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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI

JASON DAVIS and :  
JENNIFER DAVIS,  
vs. Plaintiffs, :  
CHARMAINE McGUFFEY, et al., :  
Defendants. :  
Case No. 1:24-cv:0202

\* \* \* \* \*

DEPONENT: Charmaine McGuffey

DATE: May 5, 2025

\* \* \* \* \*

Kristina L. Laker

Court Reporter

BARLOW REPORTING & VIDEO SERVICES, LLC  
620 Washington Street  
Covington, Kentucky 41011  
(859) 261-8440

1 The videotaped deposition of CHARMAINE McGUFFEY  
2 taken for the purpose of discovery and/or use as  
3 evidence in the within action, pursuant to notice,  
4 heretofore taken at the Hamilton County Prosecutor's  
5 Office, 230 East Ninth Street, Suite 4000,  
6 Cincinnati, Ohio, on May 5, 2025, at 9:00 a.m., upon  
7 oral examination, and to be used in accordance with  
8 the Federal Rules of Civil Procedure.

\* \* \* \* \*

## APPEARANCES

## 11 REPRESENTING THE PLAINTIFFS:

12 Christopher Wiest, Esq.  
CHRIS Wiest, ATTY AT LAW, PLLC  
13 50 East Rivercenter Boulevard, Suite 1280  
Covington, KY 41011

14 Thomas B. Bruns, Esq.  
15 BRUNS, CONNELL, VOLLMAR & ARMSTRONG LLC  
16 40 North Main Street, Suite 2010  
17 Dayton, OH 45423

## REPRESENTING THE DEFENDANTS:

18           Stephen A. Simon, Esq.  
19        Matt Miller-Novak, Esq.  
20        Andrew E. Prem, Esq.  
21        HAMILTON COUNTY PROSECUTOR'S OFFICE  
22        230 East Ninth Street, Suite 4000  
23        Cincinnati, OH 45202

23 ALSO PRESENT: Jason Davis, plaintiff  
Jennifer Davis, plaintiff  
Peter Stackpole, legal liaison  
24 Connie Adkins-Ihle, videographer

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1                           I N D E X

2                           Page

3   Cross-Examination by Mr. Bruns:                   5

4

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6                           E X H I B I T S

7   Plaintiffs' Deposition Exhibit No. 24           23

8   Plaintiffs' Deposition Exhibit No. 27           102

9   Plaintiffs' Deposition Exhibit No. 26           112

10   Plaintiffs' Deposition Exhibit No. 25           126

11   Plaintiffs' Deposition Exhibit No. 28           187

12   Plaintiffs' Deposition Exhibit No. 29           270

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1                   THE VIDEOGRAPHER: We are on  
2                   videotape record. Today is Monday,  
3                   May the 5th, 2025. The time is 9:08 a.m.  
4                   We're here today to take the  
5                   deposition of Charmaine McGuffey in the  
6                   case styled Jason Davis and Jennifer Davis  
7                   versus Charmaine McGuffey, et al., in the  
8                   United States District Court for the  
9                   Southern District of Ohio, Western  
10                  Division at Cincinnati, Case No.  
11                  1:24-cv-0202.

12                  Would the attorneys now introduce  
13                  themselves and state whom they represent.

14                  MR. BRUNS: Tom Bruns on behalf of  
15                  Plaintiffs Jason and Jennifer Davis.

16                  MR. Wiest: Chris Wiest on behalf of  
17                  the Davises.

18                  MR. SIMON: Steve Simon on behalf of  
19                  the Defendants.

20                  MR. MILLER-NOVAK: Matt Miller-Novak  
21                  on behalf of Defendants.

22                  MR. STACKPOLE: Peter Stackpole on  
23                  behalf of the Sheriff.

24                  MR. PREM: Andy Prem on behalf of the  
25                  Defendants.

1                   THE VIDEOGRAPHER: Would the court  
2                   reporter please swear in the witness.

3                   THE COURT REPORTER: All right.

4                   Would you please raise your right hand.

5                   THE WITNESS: (Complies.)

6                   THE COURT REPORTER: Do you solemnly  
7                   swear that the testimony you're about to  
8                   give will be the truth, the whole truth,  
9                   and nothing but the truth?

10                  THE WITNESS: I do.

11                  THE COURT REPORTER: Thank you.

12                  CHARMAINE McGUFFEY,  
13                  of lawful age, as having been duly sworn, as  
14                  hereinafter certified, was examined and testified as  
15                  follows:

16                   CROSS-EXAMINATION

17                  BY MR. BRUNS:

18                  Q. Sheriff, I introduced myself to you a  
19                  minute ago.

20                  A. Uh-huh.

21                  Q. My name is Tom Bruns. I have the pleasure  
22                  of representing Jason and Jennifer Davis in the  
23                  lawsuit against you. And we're here today because  
24                  this is our opportunity to take your deposition. I  
25                  assume you've given a deposition before?

1 A. I have.

2 Q. All right. So I won't go through all the  
3 ground rules. As you know, attorneys like to kind  
4 of educate witnesses on how to give a deposition. I  
5 assume you've talked to your counsel about what --  
6 you know, how to do this, so I won't go into it.

7 But have you ever testified in court  
8 before?

9 A. I have. It's been quite a while, so I  
10 couldn't tell you exactly the year. But, yes, I  
11 have.

12 Q. Okay. And when you went into court, you  
13 were sworn in to tell the truth, you were under  
14 oath, correct?

15 A. Correct.

16 Q. And you understand you're under oath here  
17 today?

18 A. Yes, I do.

19 Q. All right. And you understand you're  
20 being recorded today?

21 A. Yes, I do.

22 Q. All right. Is there any reason that  
23 you're aware of as you sit here that you're unable  
24 to testify truthfully today?

25 A. No. No reason at all.

1 Q. All right. And, you know, there's  
2 different reasons, somebody could be on medication  
3 that would affect their ability to recall or  
4 perceive or things like that.

5 As you sit here you're unaware of any  
6 issue like that?

7 A. Absolutely.

8 Q. Great. My purpose today is to end up when  
9 we're done --

10 A. Uh-huh.

11 Q. -- knowing what you know. And I will tell  
12 you, that is an impossible task. I've never  
13 achieved it, okay?

14 A. Okay.

15 Q. But I'm going to do my best and I -- and  
16 what that means is -- I'm going to apologize in  
17 advance, I'm not trying to be nosy --

18 A. Uh-huh.

19 Q. -- but I have to make sure I understand  
20 your testimony and --

21 A. Of course.

22 Q. -- I understand the extent of your  
23 knowledge about the events we're here to discuss,  
24 all right?

25 A. Yes, sir.

1 Q. All right. Great. What's your full name?

2 A. My full name is Sheriff Charmaine  
3 McGuffey.

4 Q. And what's your business address?

5 A. My business address is 900 -- 900 Sycamore  
6 Street. ZIP code 45202.

7 Q. And what's your business phone?

8 A. My business phone is going to be my  
9 personal phone as well. So it's 513-404-5424.

10 Q. All right. And you're the elected Sheriff  
11 of Hamilton County?

12 A. I am.

13 Q. And that means you are the top elected  
14 official in that department?

15 A. Yes, sir.

16 Q. Okay. Is it fair to say the buck stops  
17 with you in the Hamilton County Sheriff's  
18 Department?

19 A. Yes, sir.

20 Q. All right. When did you first get  
21 elected?

22 A. I was first elected in November of 2020.  
23 I took office January 4th, 2021.

24 Q. All right. And how long have you been an  
25 employee of the Hamilton County Sheriff's

1 Department?

2 A. I have been an employee 40 years.

3 Q. All right.

4 A. Give or take a month.

5 Q. All right.

6 A. Okay.

7 Q. And that was all continuous except for a  
8 year or so? Just tell me about that.

9 A. So in 2009, on February 17, I was laid off  
10 with a number of people because of the 2008 crash --  
11 economic crash. And I was brought back on. My  
12 first day was April 5, 2010.

13 Q. Okay. And then was there any other period  
14 of separation?

15 A. I'm sorry. April 1, 2010.

16 Q. All right. Was there any other period of  
17 separation from the Hamilton County Sheriff's  
18 Department in that 40-year period other than that?

19 A. No, sir.

20 Q. What did you do to -- what did you review  
21 to prepare today?

22 A. So I read the complaint and -- I reviewed  
23 the complaint at various times. I spoke to my  
24 representation.

25 MR. SIMON: He doesn't want to know

1                   that you spoke to us --

2                   MR. BRUNS: Yeah.

3                   MR. SIMON: -- or your attorneys.

4                   MR. BRUNS: So we're clear --

5                   MR. SIMON: He was asking you a  
6                   different question.

7                   MR. BRUNS: Yeah.

8 BY MR. BRUNS:

9                   Q. So we're clear --

10                  A. Oh.

11                  Q. -- I specifically said what did you review  
12 to prepare --

13                  A. Okay.

14                  Q. -- all right?

15                  A. So I reviewed the complaint.

16                  Q. All right. And just so you know, any  
17 question I ask you today --

18                  A. Uh-huh.

19                  Q. -- I'm not asking you to tell me something  
20 that your counsel told you.

21                  A. Oh, certainly. Yes.

22                  Q. Okay. All right. So you read the  
23 complaint. Did you read all of it, including the  
24 exhibits?

25                  A. I did, sir.

1 Q. Great. And you had read it before --  
2 before prepping for your deposition; is that fair?

3 A. Yes, that's correct.

4 Q. Did you read it when it was initially  
5 filed?

6 A. When it was initially filed, it was given  
7 to me and I read it.

8 Q. All right. Did you review Deputy -- I'm  
9 going to call him Deputy Chief Gramke. How should I  
10 --

11 A. Chief Gramke is good.

12 Q. Okay.

13 A. It's a good title.

14 Q. All right. Did you review Chief Gramke's  
15 deposition transcript or any part of it?

16 A. No.

17 Q. All right. Other than your lawyers did  
18 you talk to anybody about his testimony, including  
19 Chief Gramke?

20 A. No, I did not.

21 Q. So you don't know -- you don't have an  
22 opinion on whether any or part of his testimony was  
23 truthful or untruthful?

24 A. I would have no idea.

25 Q. Okay. Other than your lawyer did you

1 communicate with any of your lawyers, your team  
2 here -- did you communicate with anyone regarding  
3 your deposition today?

4 A. No.

5 Q. You acknowledged previously that you  
6 understand you're under oath, correct?

7 A. Yes, sir.

8 Q. And you also testified that you understand  
9 that's no different than being in a courtroom, fair?

10 A. Of course.

11 Q. All right. And is it your understanding  
12 that being under oath means you're required to tell  
13 the truth, the whole truth, and nothing but the  
14 truth?

15 A. That's correct.

16 Q. All right. And you are a sworn law  
17 enforcement officer?

18 A. Yes, I am.

19 Q. All right. And I know you said you  
20 testified in court. How many times in your career  
21 do you think you testified in court?

22 A. Oh, man. You know, I would say in my  
23 recollection two -- I'd say two -- two is a pretty  
24 solid number, I'd say.

25 Q. Okay. You're sure about that; it might be

1 more?

2 A. It may be more. But I -- you know, I --  
3 yeah. It may be more.

4 Q. Okay. And as far as at least two times  
5 you recall testifying in court, was it part of a  
6 criminal trial where there was a criminal defendant  
7 being charged?

8 A. In my recollection it more had to do with  
9 issues surrounding use of force. I was a use of  
10 force instructor in the academy, a trainer for many  
11 years. So my role in any court proceeding would  
12 have been in that to testify in that training arena  
13 of what we train, how we train.

14 Q. Okay. So you were there more as a fact  
15 witness about training methods, techniques, things  
16 like that, what was appropriate --

17 A. Absolutely.

18 Q. -- training on use of force?

19 A. Yes, sir.

20 Q. All right. And you're jumping on the end  
21 of my question. And I do that, too. So just let me  
22 get it out --

23 A. Oh, certainly.

24 Q. -- just so --

25 A. Okay. Sure.

1           Q. I'm sure your lawyers will be happy that  
2 you don't answer yes to something unless you fully  
3 know the question, all right?

4           A. Sure.

5           Q. All right. So you don't recall testifying  
6 in court as like an arresting officer?

7           A. No, sir.

8           Q. Okay. But that's something that Hamilton  
9 County Sheriff's Deputies do all the time, fair?

10          A. Yes.

11          Q. Okay. And you would agree that whether  
12 you're testifying as a use of force fact witness or  
13 even an expert in a case --

14          A. Uh-huh.

15          Q. -- or you're testifying as an arresting  
16 officer --

17          A. Uh-huh.

18          Q. -- that the most important character trait  
19 for an employee of the Hamilton County Sheriff's  
20 Department is being honest and telling the truth;  
21 would you agree with that?

22          A. Yes, sir, I would.

23          Q. Okay. And that doesn't just apply to you  
24 as the sheriff, but all your employees; is that  
25 fair?

1 A. Yes.

2 Q. All right. And you would agree that our  
3 entire system of justice is dependent upon sworn law  
4 enforcement officers telling the truth when they're  
5 under oath?

6 A. Yes, sir.

7 Q. All right. Would you agree that if a law  
8 enforcement officer is proven to have lied under  
9 oath, that's fair for a jury not to believe any  
10 other of the officer's testimony?

11 A. Makes sense.

12 Q. All right. Have you ever lied when you  
13 were under oath?

14 A. No, sir.

15 Q. Is it fair to say you understand that --  
16 or do you have a recollection that you and Chief  
17 Gramke met with Jason Davis on October 10 of 2023 to  
18 discuss his career with him?

19 A. Yes, sir, I do.

20 Q. Okay. And I could show you an exhibit,  
21 but there was a green card that Jason Davis had to  
22 fill out to request a meeting with you; is that  
23 fair?

24 A. Yes, sir.

25 Q. Okay. And the copy that's been provided

1 to us has a signature of Charmaine McGuffey; do you  
2 recall signing that?

3 A. Yes, sir.

4 Q. All right. And did it have to go through  
5 a chain of command to get to you in terms of getting  
6 that meeting?

7 A. Yes, it does.

8 Q. Okay. And what was the point of that,  
9 going up that chain of command? Because the green  
10 card has signatures of various officers of the  
11 Hamilton County --

12 A. Sure.

13 Q. -- Sheriff's Department on it.

14 A. So the purpose of chain of command in  
15 general is that it gives an officer a remedy for  
16 something that they have not gotten a satisfactory  
17 answer for or something that they don't still  
18 understand after talking to their immediate  
19 supervisor. And then the supervisor -- as the  
20 employee expresses I want to go higher, that is what  
21 the chain of command is for. And that is what that  
22 memo represents and documents.

23 Q. Okay. So does that memo with the  
24 signatures on it -- and it was marked previously as  
25 Exhibit 18 in Chief Gramke's deposition --

1           A. Uh-huh.

2           Q. -- does that memo reflect a series of  
3 meetings before it gets to you on October 10 of  
4 2023?

5           A. My understanding through chain of command  
6 and policy and procedure is that that employee who  
7 requested that meeting would have met with a series  
8 of supervisors leading up to a chief deputy and then  
9 the sheriff.

10          Q. Okay. All right. And it's your belief  
11 that that happened with Jason Davis before you and  
12 Chief Gramke having the meeting on October 10?

13          A. Absolutely.

14          Q. Okay. And so if it gets to you, it's your  
15 understanding that this is a -- this deputy has a  
16 significant serious concern, so serious and so  
17 significant he actually wants to talk to the boss  
18 about it?

19          A. Yes. Correct.

20          Q. Okay. And it was your understanding that  
21 the point of this meeting was Jason Davis's concerns  
22 about his future with the Hamilton County Sheriff's  
23 Department?

24          A. I had no idea what Jason Davis had, you  
25 know, requested the meeting about in general. But I

1 knew there was a memo requesting the meeting and so  
2 therefore we had the meeting.

3 Q. All right. Your counsel has a copy of  
4 Exhibit 18. I'll just ask a question about that.

5 A. Sure.

6 THE VIDEOGRAPHER: We need to go off  
7 the record for a second.

8 MR. BRUNS: Sure.

9 THE COURT REPORTER: We are off the  
10 record.

11 (Off the record.)

12 THE VIDEOGRAPHER: Back on the  
13 record, 9:21.

14 BY MR. BRUNS:

15 Q. Sheriff, I'm going to hand you what's been  
16 marked as Exhibit 18 --

17 A. Uh-huh.

18 Q. -- Plaintiffs' Exhibit 18.

19 A. Yes, sir.

20 Q. And can you tell me, is that your  
21 signature on that document?

22 A. Yes, it is.

23 Q. Among others?

24 A. Yes, it is.

25 Q. Who all signed that document?

1           A.     So it appears Sergeant Viner, Lieutenant  
2 Downing. I cannot read the other signature, but  
3 it's a Captain. Major Chris Kettman. Chief Jay  
4 Gramke. And then myself.

5           Q.     All right. And so with your signature on  
6 that document, it means you had the original of it  
7 and reviewed it before you signed it; is that fair?

8           A.     Yes.

9           Q.     Okay. And then if you look at what the  
10 purpose of the meeting that you would have reviewed,  
11 what did it say?

12          A.     This was not on the document that was  
13 shown to me, this particular -- this is a Stick-Em  
14 note that someone put on there. And when I was  
15 reviewing this, this was not on there.

16          Q.     Okay. When you say this, you're talking  
17 about the note about RENU, correct?

18          A.     Yes. Correct.

19          Q.     I'm not -- I apologize. That's not my  
20 question.

21          A.     Sorry.

22          Q.     I'm talking about the preprinted --

23          A.     I'm sorry.

24          Q.     -- typed information from Jason --

25          A.     Oh, yes.

1 Q. -- as to --

2 A. Oh, here.

3 Q. Hold on.

4 A. Okay.

5 Q. Let me just finish. What Jason said,  
6 which is what you would have reviewed, the  
7 purpose --

8 A. Uh-huh.

9 Q. -- of this meeting. Go ahead and read  
10 that.

11 A. So the purpose of the meeting appears to  
12 be in regards to my future status with the  
13 department.

14 Q. Okay. So you understood that he had  
15 persisted through the entire chain of command to get  
16 to you because he had serious and significant  
17 concerns about his future status with the  
18 department; is that fair?

19 A. It doesn't say anything about concerns.  
20 It says at your earliest convenience in regards to  
21 my future status with the department.

22 Q. Is it fair to say that he had concerns  
23 about his future status, that's why he --

24 A. I've met with many people with a letter  
25 that's worded very similar to this who simply want

1 to say, you know, how am I doing, you know, where  
2 can I go from here, I have an interest in this  
3 particular thing, how do I get there. There's lots  
4 of questions that people have when they request it.

5                         Sometimes there are people that come and  
6 discuss prior discipline. There are people that  
7 come and discuss their personal lives and, you know,  
8 how they're moving forward. I mean, it's a whole  
9 array of things. I've met with many people with  
10 this similar wording.

11                  Q. Okay. Regardless, when you did have the  
12 meeting, you learned pretty quickly that he had  
13 concerns -- serious and significant concerns about  
14 his future with the department; is that fair?

15                  A. At that meeting pretty immediately that's  
16 what I understood.

17                  Q. Thank you. Did you -- before actually  
18 having the meeting, did you discuss the meeting with  
19 anyone else in the department, like Chief Gramke,  
20 anybody?

21                  A. No. In fact, I asked Chief Gramke because  
22 I was curious -- I said, What is this about? And  
23 his comment was about officers who were out at a  
24 district that Jason was assigned to that were  
25 malcontents -- and that's a phrase that goes way

1 back to Simon Leis that we're all familiar with --  
2 and that he felt that the malcontents were  
3 influencing Jason. That's what he said.

4 Q. Okay. Did he tell you anything else?

5 A. No, sir.

6 Q. Okay. You've read the complaint. You  
7 have -- is it fair to say you understand that what  
8 you and Chief Gramke said in that October 10 meeting  
9 forms a basis of this lawsuit -- allegedly said,  
10 fair?

11 A. Yes, sir.

12 Q. Okay. As sheriff have you ever lied to  
13 any of your officers when you met with them to  
14 discuss their careers or their future --

15 A. Absolutely not.

16 Q. -- with the department? All right. So  
17 you've always told the truth to them when you've met  
18 in those circumstances?

19 A. I tell the truth, yes, sir.

20 Q. Okay. Including when you met with Jason  
21 Davis on October 10 of 2023?

22 A. Yes, sir.

23 Q. Okay. Did Chief Gramke when you went  
24 through that meeting on October 10, 2023, with Jason  
25 Davis and you --

1 A. Uh-huh.

2 Q. -- did Chief Gramke ever lie to Jason  
3 Davis?

4 A. I would have no idea, sir.

5 Q. From what you recall do you have any  
6 recollection that he said --

7 A. I have no --

8 Q. Let me just finish.

9 A. Sorry.

10 Q. Do you have any recollection that he said  
11 anything that you knew to be untrue?

12 A. No, I don't.

13 (Plaintiffs' Deposition Exhibit No.

14 24 was marked for identification.)

15 Q. Sheriff, I'm going to hand you what's been  
16 marked as Exhibit 24 -- Plaintiffs' Exhibit 24.

17 A. Yes, sir.

18 Q. And take a moment -- we can even go off  
19 the record while you do it -- I'm going to have a  
20 couple of questions for you initially. And those  
21 questions initially are can you answer the question  
22 as to whether this is a true and accurate copy of  
23 your answers to my clients' discovery requests,  
24 minus the documents that were attached to it, and  
25 then also is all the information -- not the

1       objections, but the information you provided true  
2       and accurate.

3                   So I want you to have a moment to review  
4       it so you're comfortable answering those questions,  
5       and then I'm going to have substantive questions  
6       about it as well, all right?

7       A.     All right.

8                   MR. BRUNS:   So we can go off the  
9       record while you review it.

10                  THE VIDEOGRAPHER:   Off the record,  
11       9:27.

12                  (Off the record.)

13                  THE VIDEOGRAPHER:   Back on the  
14       record, 9:35.

15       BY MR. BRUNS:

16       Q.     Sheriff, you had a moment to -- we were  
17       off camera, off record -- you had a moment to review  
18       the document, Exhibit 24. Are you able now to say  
19       that that -- with the exception of the documents  
20       that were attached to it and produced with it, are  
21       you able --

22       A.     Uh-huh.

23       Q.     -- to say that that is a true and accurate  
24       copy of your answers to my clients' interrogatories  
25       and requests for production of documents?

1           A. I am able to say that my recollection is  
2 very similar to what is stated in this document. It  
3 was a long time ago now -- years, in fact. And, you  
4 know, I don't know that I can say that word for word  
5 I remember each and every thing.

6           Q. Okay. Maybe you misunderstand my  
7 question.

8           A. Okay.

9           Q. My question simply was, is Exhibit 24 a  
10 true and accurate copy of your answers to my  
11 clients' interrogatories and document requests,  
12 not -- I'll get to the substance of what's in there.

13          A. Okay.

14          Q. I'm simply asking is that a true and  
15 accurate copy of the original?

16          A. Oh, yes. Absolutely.

17          Q. Okay.

18          A. Sure.

19          Q. Thank you.

20          A. Thank you.

21          Q. And if you go to page 22 of that document

22          --

23          A. Uh-huh.

24          Q. -- there's a verification that it purports  
25 to have your signature.

1 A. Yes, sir.

2 Q. All right. Would you read that?

3 A. It says, I, Charmaine McGuffey, swear that  
4 the answers I have given to the above  
5 interrogatories are true and based upon my personal  
6 knowledge.

7 Q. All right. And then whose signature is  
8 that?

9 A. And then that is my signature dated  
10 9/25/24.

11 Q. Thank you. All right. And is it fair to  
12 say that we can rely upon the substance of the  
13 answers in here in terms of their truthfulness, just  
14 like the substance of your testimony today?

15 A. I would say that's factual, yes.

16 Q. All right. And I know attorneys do the  
17 objections, so my questions aren't about objections,  
18 all right, but I'm going to have some questions  
19 about the substance. So if you go to page 10.

20 A. Yes.

21 Q. All right. What is RENU?

22 A. So RENU is our regional narcotics unit.

23 Q. And would you agree that making an officer  
24 who gets appointed or gets assigned to RENU, that  
25 would be, for instance, a promotion for a patrol

1       officer?

2           A.    Well, it would be by virtue of the fact  
3       that our RENU officers make a -- they are now --  
4       they're -- let me say it this way. Their pay grade  
5       is that of a corporal.

6           Q.    Okay. And was that true back in 2023?

7           A.    Yes, sir.

8           Q.    Okay. If you go to Interrogatory -- or,  
9       I'm sorry, Request to Admit No. 3 on that page.

10          A.    Okay. Yes.

11          Q.    It says, Admit that during the October 10,  
12       2023, meeting Chief Deputy Gramke told Jason Davis  
13       in your presence that, quote, I can tell you that I  
14       squashed you going to RENU, closed quotes. Did I  
15       read that accurately?

16          A.    You read it accurately.

17          Q.    Okay. And then your response was, I  
18       cannot admit or deny due to insufficient  
19       recollection.

20          A.    That is correct, because --

21          Q.    All right.

22          A.    -- yeah.

23          Q.    I'll get a question, I promise.

24          A.    Okay. I know.

25          Q.    I promise, Sheriff. All right. My

1 question to you is, do you recall Chief Deputy  
2 Gramke saying anything like that, similar to that,  
3 along those lines in that meeting?

4 MR. SIMON: Note my objection for the  
5 record. At the beginning of this lawsuit  
6 the Plaintiffs indicated they had a  
7 recording of this meeting. On behalf of  
8 the Defendants we sought that.

9 That issue was litigated before Judge  
10 Barrett. He issued a decision whereby we  
11 at the moment of your deposition --  
12 Sheriff McGuffey's deposition we still  
13 don't have that recording. We object to  
14 questions asked about her recollection  
15 about that. I mean, obviously if she  
16 heard the recording, that would answer  
17 that.

18 But you can go ahead and answer the  
19 question.

20 MR. BRUNS: And just for the record,  
21 I'll give you a continuing objection on  
22 that basis to any questions that call for  
23 her recollection about the meeting.

24 MR. SIMON: Fair enough. Thank you.

25 MR. BRUNS: All right. So read my

1 question back, if you would.

2 THE COURT REPORTER: Sure.

3 "My question to you is do you recall  
4 Chief Deputy Gramke saying anything like  
5 that, similar to that, along those lines  
6 in that meeting?"

7 A. Yes, I do.

8 Q. Okay. And what do you recall Chief Gramke  
9 saying about -- along the lines of him squashing  
10 Jason Davis going to RENU?

11 A. I remember him addressing the fact that he  
12 did not approve an assignment for Jason Davis going  
13 to RENU.

14 Q. Okay. And do you recall his reasoning for  
15 saying so?

16 A. Again, I don't have any recollection of  
17 his exact wording or how he -- you know, how he put  
18 that. I do know that he said I -- I -- you're not  
19 going to go to RENU in part. I mean, that's what I  
20 remember him saying.

21 Q. Okay. And just so you know, that wasn't  
22 my question, so I'm going to repeat my question.  
23 And I wasn't asking --

24 A. Of course.

25 Q. -- exactly what he did. My question was,

1 do you have any recollection -- and I mean any --

2 A. Uh-huh.

3 Q. -- when I use those words -- so do you  
4 have any recollection of Chief Gramke telling Jason  
5 Davis why Chief Gramke pulled or squashed --

6 A. I remember.

7 Q. -- Jason Davis going to RENU?

8 A. Thank you. I remember Chief Gramke  
9 referencing Facebook and Facebook posts.

10 Q. Okay. Do you recall anything else?

11 A. That's what he said, Facebook and Facebook  
12 posts that were negative.

13 Q. Do you recall anything else that he said?

14 A. That's it.

15 Q. And did he discuss negative in what sense?

16 A. Well, and I'm trying to recall, he -- what  
17 I understood is that he felt that the Facebook posts  
18 that he was referencing had negative effects on the  
19 Sheriff's Office at large.

20 Q. Okay. So it was multiple posts that had  
21 some sort of negative effect on the Sheriff's  
22 Office; that's what he referenced as far as your  
23 recollection?

24 A. Yes, sir.

25 Q. Do you recall anything else about his

1 comments?

2 A. That's what I recall.

3 Q. Okay. Did he have any discussion or say  
4 anything regarding whose Facebook posts were  
5 supposedly negative?

6 A. He referenced a -- I think he referred to  
7 her as the crazy lady --

8 Q. Okay.

9 A. -- Facebook posts and talked about  
10 responses to that Facebook post.

11 Q. Okay. And did you -- when he used the  
12 word crazy lady, did you have an understanding of  
13 who he was referring to?

14 A. Well, I thought that he was referring to a  
15 woman whose name has been told to me is Caroline  
16 Adams.

17 Q. Okay. And why did you think that?

18 A. Because she is a person who people have  
19 related to me at various times throughout my, you  
20 know, interactions with a number of people in the  
21 department that there's lots of negative posts out  
22 there related to her posting them.

23 Q. Okay. Negative posts related to what?

24 A. To our department in general.

25 Q. Okay. To your department in general or to

1 you?

2 A. The department in general and disparaging  
3 remarks about me.

4 Q. Okay. And give me an example of one of  
5 those people and what they said.

6 A. I -- first of all, I cannot -- so many  
7 people talk to me. You're talking about 2023 here  
8 and beyond that, of course, before that. And I --  
9 you know, we talked about telling the truth here. I  
10 can't honestly tell you someone's name if I'm not  
11 sure. And I'm really not sure.

12 Q. Did Chief Gramke before October 10, 2023,  
13 ever discuss with you posts by Caroline Adams  
14 regarding you?

15 A. Not to my recollection.

16 Q. Okay. You said people, meaning plural.  
17 Do you recall the name of a single person who  
18 discussed negative posts about you that were posted  
19 by Caroline Adams?

20 A. No.

21 Q. You don't remember anybody?

22 A. There were so many general discussions  
23 surrounding this. And quite honestly, sir, I -- I  
24 just don't listen to that. I mean, it's not -- it's  
25 not something that affects my day to day. It's not

1 something I'm interested in. It's not something I  
2 need to know. And quite frankly, I generally just  
3 block it out. I don't even pay attention to it.

4 Q. All right. So if Chief Gramke brought up  
5 posts by the crazy lady in a meeting with Jason  
6 Davis about the future of his career with the  
7 department, were you wondering in your mind why the  
8 Chief is bringing up posts by Caroline Adams when  
9 Jason Davis is there to talk about his future?

10 A. No. No, I'm not. Because I'm listening.  
11 I'm not there to evaluate what the Chief knows or  
12 doesn't know. I take him at his -- at his word,  
13 which was what he said and he mentioned crazy lady.  
14 I assumed that it's the person everybody talks  
15 about.

16 Q. Okay.

17 A. So I said her name.

18 Q. All right. Let's assume he was talking  
19 about Caroline Adams, okay?

20 A. Okay.

21 Q. What connection could any post by Caroline  
22 Adams have to the future of Jason Davis with the  
23 Hamilton County Sheriff's Department; what  
24 connection could there possibly be?

25 A. I have no idea.

1           Q.    Okay.  Would you agree with me that if  
2   Caroline Adams is posting negative things about you  
3   or negative things about the department, that that  
4   should not have any impact on Jason Davis's career  
5   within the Hamilton County Sheriff's Department?

6           A.    It wouldn't occur to me at all that it  
7   would have an effect on anyone's career in the  
8   Sheriff's Department honestly.

9           Q.    And is it fair to say it shouldn't have an  
10   impact on his career; is that -- in other words,  
11   there shouldn't be any consequences to Jason Davis's  
12   career because of something Caroline Adams is  
13   posting on Facebook; is that fair?

14          A.    Jason Davis's career is based on our  
15   policy and procedure, our assessment of how officers  
16   follow policy and procedure, what their work  
17   histories are, and those are the things that we  
18   consider, yes, sir.

19                   MR. BRUNS:  Would you read my  
20                   question back.

21                   THE COURT REPORTER:  Sure.

22                   MR. BRUNS:  I want to make sure you  
23                   answered my question.

24                   THE WITNESS:  Sure.

25                   THE COURT REPORTER:  "And is it fair

1                   to say it shouldn't have an impact on his  
2                   career; is that -- in other words, there  
3                   shouldn't be any consequences to Jason  
4                   Davis's career because of something  
5                   Caroline Adams is posting on Facebook; is  
6                   that fair?"

7                 A. I would say that any Facebook posts -- of  
8                 which I'm unaware of anything, you know, specific --  
9                 should not influence our decisions as the Hamilton  
10               County Sheriff's Office.

11               Q. Right. There shouldn't be any  
12               consequences to Jason Davis's career because of  
13               something Caroline Adams is posting, fair?

14               A. I can tell you that I can't -- I can't  
15               answer that appropriately because I have no idea  
16               what she said, I have no idea what the post was, I  
17               -- at that moment in time I am first learning that  
18               the Chief Deputy said that he did not select Jason  
19               Davis for that post.

20               Q. That wasn't my question.

21               A. Okay.

22               Q. Caroline Adams is not and never has been  
23               an employee of the Hamilton County Sheriff's  
24               Department; is that correct?

25               A. To my knowledge.

1           Q.    Okay. So Jason Davis, his career at the  
2 Hamilton County Sheriff's Department and his future  
3 at the department -- there's no connection between  
4 something as you call her the crazy lady posts on  
5 Facebook and Jason Davis's career; is that fair?

6           A.    I'm not going to say that, because I have  
7 no idea what she posted. And if it were something  
8 about information, for instance, of a crime or  
9 something like that, that we would have to by due  
10 process investigate and so forth.

11                 So it's just not accurate for me to say in  
12 general that we -- you know, that a Facebook post  
13 would apply in such a far-reaching way.

14           Q.    So let me give you -- I'm going to give  
15 you a predicate to my question and assume for  
16 purposes of my question it's true, so I want you to  
17 accept it. Assuming for purposes of my question  
18 that Caroline Adams did not post any confidential  
19 information, okay, she didn't post anything that  
20 would have been some sort of, you know, disclosure  
21 of confidential information by someone in the  
22 Hamilton County Sheriff's Department, all right,  
23 what she posted was merely negative comments,  
24 criticism of you, okay -- none of those types of  
25 posts could impact -- would have any consequence to

1 Jason Davis's career; isn't that fair?

2 MR. SIMON: Objection to form of the  
3 question. Lack of foundation. You're  
4 asking the witness to speculate.

5 You can try to answer.

6 MR. BRUNS: Go ahead.

7 A. So, yes, hypothetically -- as you're  
8 speaking hypothetically, I would say the answer to  
9 that is it should -- it should not have any bearing  
10 on any deputy.

11 Q. Okay. And certainly shouldn't be a reason  
12 for any consequences to that person's career,  
13 correct?

14 A. As I stated, hypothetically it should not  
15 have any consequence or any bearing on any deputy's  
16 career.

17 Q. Thank you. All right. If you go to  
18 Request to Admit No. 5.

19 A. Uh-huh.

20 Q. That request says, Admit that after making  
21 the statement in Request for Admission No. 3, Chief  
22 Deputy Gramke then said the reason for squashing the  
23 RENU appointment was, quote, And that was due to  
24 some Facebook things between you and your wife and  
25 things that you said and did some time ago, closed

1 quote; do you see that?

2 A. I do.

3 Q. Do you recall anything like that being  
4 said -- I understand you don't remember that  
5 specifically, but do you recall anything like that  
6 being said in that meeting?

7 A. I don't.

8 Q. Okay. The same questions for Request to  
9 Admit No. 6. It says, Admit that after making the  
10 statement in Request for Admission No. 5, Chief  
11 Deputy Grampke then said, You put something about a  
12 football game. It would have been nice if we would  
13 have been to a football, something about that your  
14 wife has made numerous comments to the crazy woman  
15 on Facebook. There's been -- and then it's cut off.

16 A. Uh-huh.

17 Q. And your response was you couldn't admit  
18 or deny that due to insufficient recollection,  
19 correct?

20 A. That's correct. Yes.

21 Q. All right. And that was a truthful  
22 answer, fair?

23 A. Yes, it is.

24 Q. Okay.

25 A. Uh-huh.

1 Q. Do you recall anything like that where  
2 Chief Deputy Gramke brought up the fact that  
3 Mr. Davis's -- Jason Davis's wife had made numerous  
4 comments to the crazy woman on Facebook; do you  
5 recall Chief Gramke bringing that up in any way?

6 A. What I recall that really sticks out in my  
7 memory is the football game reference, because when  
8 he mentioned that, I had no knowledge of that and  
9 that kind of seemed to me to come out of the blue,  
10 like what football game.

11 Q. Yeah, my question was about the comments  
12 about your wife has made numerous comments to the  
13 crazy woman on Facebook. Do you recall anything  
14 like that in terms of Chief --

15 A. Other --

16 Q. -- Gramke saying anything like that?

17 A. Other than the football reference, I  
18 don't.

19 Q. Okay. You would agree with me that --  
20 just like you said before about the crazy lady and  
21 her postings --

22 A. Uh-huh.

23 Q. -- that if Jason Davis's wife is  
24 commenting on Caroline Adams' Facebook page or  
25 liking a post or something along those lines and it

1 doesn't involve any sort of confidential information  
2 or, you know, information that can't be disclosed  
3 from the Hamilton County Sheriff's Department --

4 A. Uh-huh.

5 Q. -- if it just involves criticism or  
6 opinions of people like such as yourself, the  
7 Sheriff, you would agree that Jason Davis's wife's  
8 social media activity should have no bearing, no  
9 consequence to Jason Davis's career; is that fair?

10 MR. SIMON: Objection to the form.

11 Lack of foundation. Calls for  
12 speculation.

13 You can try to answer.

14 A. So, as I stated, hypothetically anyone who  
15 has made -- anyone who is making Facebook posts that  
16 are speculative or regarding someone in the  
17 Sheriff's Office, you know, in general should not,  
18 as I said, have any bearing on someone who --  
19 someone's career per policy, procedure, et cetera.

20 Q. And obviously shouldn't have a  
21 consequence -- any sort of negative consequence to  
22 their career, correct?

23 A. Again, they should -- it should have no  
24 bearing on anything that -- any -- anything  
25 regarding decisions made upon someone's career.

1 Q. All right. And certainly those would be  
2 consequences; decisions about someone's career are  
3 consequences, fair?

4 A. Well, not really, no. I don't agree with  
5 that. I think a consequence is very different than  
6 decision making about someone's career.

7 Q. If someone doesn't get a promotion because  
8 of a certain reason, then a consequence of that  
9 reason is they didn't get the promotion, fair?

10 That's how I'm using it.

11 A. Well, the way that I understand  
12 consequence is like as a punishment. And we do not  
13 promote -- would not promote based upon that. We  
14 promote based upon the qualifications of that  
15 person, our policy and procedure, tests. There's a  
16 lot of results that are internal that someone  
17 submits to. And that is the way we promote and we  
18 choose the best candidate, period.

19 Q. All right. So when you use the word  
20 consequence, in your mind you think punishment, you  
21 equate those two; is that fair?

22 A. That's correct.

23 Q. All right. Thank you. If you could go to  
24 Request No. 8.

25 A. Uh-huh.

1           Q. I'm sorry, Request No. 7. It says, Admit  
2 that after Chief Deputy Gramke made the statement in  
3 Request for Admission No. 6, you interjected, quote,  
4 Caroline Adams. And you said, I cannot admit or  
5 deny due to insufficient recollection.

6           My question to you is -- you've testified  
7 that in your mind when he talked about the crazy  
8 lady, you immediately thought of Caroline Adams.

9           A. Uh-huh.

10          Q. Do you recall ever mentioning her name in  
11 that conversation with Jason Davis?

12          A. I remember mentioning her name. I already  
13 stated that, yes.

14          Q. You did say her name out loud?

15          A. I said her name out loud, yes, sir.

16          Q. Okay. If you go to No. 8, it says, Admit  
17 after the interjection by you in Request for  
18 Admission No. 7, Chief Deputy Gramke then made the  
19 following statement. Well, challenging us --  
20 challenging us on Facebook -- challenging the  
21 administration on Facebook and then having your wife  
22 converse with a crazy person that makes lies up --  
23 have you looked at the stuff that she writes about  
24 her? Have you seen the crazy stuff that she writes,  
25 the terrible things, the vicious -- if that was your

1 mom, if that was your wife, if that was your sister,  
2 how would you feel about that?

3 Your response was you couldn't admit or  
4 deny that because you had insufficient recollection,  
5 correct?

6 A. Correct.

7 Q. And that was a truthful answer?

8 A. Yes, sir.

9 Q. All right. But what I read, I read that  
10 accurately, correct -- from that request?

11 A. I have no idea if it's accurate.

12 Q. No, no, no. I read it --

13 A. Oh, you mean --

14 Q. -- verbatim?

15 A. -- what's printed here?

16 Q. Yes.

17 A. The words printed here, sure.

18 Q. Okay. Do you have any recollection about  
19 Chief Gramke saying anything like that in the  
20 meeting?

21 A. I know that he referenced obviously the  
22 Facebook because of the football game. It was  
23 something about a football game reference and the  
24 fact that that wasn't accurate and that these -- and  
25 I believe he -- in my recollection what he was

1 referencing is how damaging things can be to this  
2 department to individual people within the  
3 department when people post negative things on  
4 Facebook.

5 Q. Okay. Assuming for purposes of my  
6 question that Chief Gramke used the words terrible,  
7 vicious, or crazy things, okay, as it's stated in  
8 that quote -- and I think I have your answer for  
9 this, but I want to make it clear -- you would agree  
10 with me that even if Caroline Adams posted terrible,  
11 vicious, or crazy things about you on Facebook, that  
12 would have no impact, no consequence to Jason  
13 Davis's career, fair?

14 A. If hypothetically she did, I would have to  
15 say hypothetically it shouldn't make a difference to  
16 anyone's career.

17 Q. Thank you. And as you sit here today --

18 A. Uh-huh.

19 Q. -- do you have any personal knowledge that  
20 Jason Davis ever said anything that the Hamilton  
21 County Sheriff's Department would consider  
22 confidential, you know, information Jason Davis  
23 learned in the course of his working with the  
24 Hamilton County Sheriff's Department -- do you have  
25 any personal knowledge that he communicated any

1 confidential information ever to Caroline Adams?

2 A. Oh, I would have no idea of that.

3 Q. All right. And as you sit here today do  
4 you have any personal knowledge that Jason Davis  
5 communicated any such confidential information ever  
6 to his wife?

7 A. Again, I would have no -- no idea.

8 Q. And as you sit here today do you have any  
9 personal knowledge that Jennifer Davis, Jason's  
10 wife, ever communicated any sort of confidential  
11 information from the Hamilton County Sheriff's  
12 Department to Caroline Adams?

13 A. I have no idea.

14 Q. Have you ever reviewed any posts that were  
15 purported to be from Caroline Adams whether you  
16 looked at the Facebook page itself or someone  
17 printed one and showed you; have you ever seen one?

18 A. No.

19 MR. SIMON: Okay. Tom, we've been  
20 going about an hour; is this a good time?

21 MR. BRUNS: It's a great time.

22 THE VIDEOGRAPHER: We are off the  
23 record.

24 (A brief recess was taken.)

25 THE VIDEOGRAPHER: We are back on the

1 record. This is Media 2 of today's  
2 deposition. The time is 10:17.

3 BY MR. BRUNS:

4 Q. Sheriff, we're back on the record. Do you  
5 understand that any time we take a break, you're  
6 still under oath?

7 A. Yes, sir.

8 Q. Okay. Great. When we took a break, I was  
9 going to go on to another question, but I wanted to  
10 follow up on two things. When you -- you told me  
11 that when you had that meeting on October 10, 2023,  
12 there was this process with a green card. Did  
13 you -- and you talked to Chief Gramke very briefly  
14 about it.

15 Did you do anything other than have the  
16 one conversation with Chief Gramke in advance of the  
17 October 10, 2023, meeting; did you do anything, talk  
18 to anyone else, review any documentation of anything  
19 before that meeting in terms of Jason Davis?

20 A. No, I did not.

21 Q. Okay. So in terms of, you know, where he  
22 was on the promotion list for corporal or why -- or  
23 that he had applied to RENU and was -- you know, had  
24 a position but then it got pulled, like did you have  
25 any information like that in advance of the meeting?

1 A. No.

2 Q. Okay. And then before we took a break,  
3 you had talked about consequences in your mind being  
4 the equivalent of punishment. In my mind when I  
5 use -- if I use the word consequences or  
6 accountability, I would liken them the same way. Do  
7 you liken them the same way, consequences and  
8 accountability?

9 MR. SIMON: Objection to the form.

10 Q. Do they generally -- do you use those  
11 words interchangeably?

12 MR. SIMON: Objection to the form.

13 Vague and ambiguous.

14 You can try to answer.

15 A. No, I don't.

16 Q. When you use the word accountability, what  
17 do you mean?

18 A. When I use the word accountability, I  
19 mean -- you know, oftentimes we coach employees to  
20 reflect on things that they may or may not have done  
21 regarding, you know, policy and procedure. And  
22 things that -- there are lots of nuances in this  
23 business. And when we talk about accountability,  
24 that simply means that an employee is coachable in  
25 that way, that you're able to coach an employee that

1       these are things that you didn't do according to  
2       policy, et cetera, and that employee -- it's  
3       important that they hear the message. That's the  
4       part of accountability that they hear it and that  
5       they can then say to themselves, oh, yes, I see that  
6       and then in the future, you know, react differently  
7       or do things differently in the way of policy and  
8       procedure.

9           Q.     Okay. I had asked you a number of  
10      questions about Caroline Adams' postings and --

11          A.     Sure.

12          Q.     -- any postings Jennifer Davis may have  
13      done --

14          A.     Uh-huh.

15          Q.     -- herself. And, again, with the same  
16      caveat that assuming that what Jennifer Davis posted  
17      had no confidential or private information from the  
18      Hamilton County Sheriff's Department in it, right,  
19      it was just things --

20          A.     I have no idea what she posted.

21          Q.     I understand that. For purposes of my  
22      question I want you to assume that whatever she did  
23      post had no confidential or secret information from  
24      the Hamilton County Sheriff's Department in it,  
25      okay -- assuming any of her posts didn't contain

1       that kind of information, then there would -- there  
2       wouldn't be any accountability to Jason Davis for  
3       anything his wife posted; is that fair?

4                    MR. SIMON: Objection to the  
5                    question. Lack of foundation. Calls for  
6                    speculation.

7                    You can try to answer.

8       A. I can't answer that because, you know,  
9       there's so many different nuances and circumstances  
10      regarding hypotheticals. Like I can't -- I can't  
11      answer that.

12      Q. Okay. Well, give me a hypothetical as to  
13      how there can be an accountability to Jason Davis at  
14      work -- there could be an accountability to him at  
15      work for something his wife posted if her postings  
16      did not contain anything confidential or secret or,  
17      you know, things that can't be disclosed from the  
18      Hamilton County Sheriff's Department if it was just  
19      her opinion?

20                    MR. SIMON: Objection to the form of  
21                    the question.

22                    You can try to answer.

23      A. I can't do that. I wouldn't even know  
24      where to start on creating a hypothetical for  
25      anybody. A hypothetical is inserting things that

1 aren't factual potentially. It's not taking into  
2 account that, you know -- again, there are lots of  
3 nuances to every situation. So, no, I can't do  
4 that.

5 Q. Okay. That wasn't my question. My  
6 question was, how could you as the sheriff hold  
7 Jason Davis accountable for something his wife  
8 posted?

9 A. Again, I would have no idea. I can't even  
10 imagine what circumstances you're talking about. I  
11 can't imagine what, you know, some made up for this  
12 purpose reason that I would have. I can't answer  
13 that, sir.

14 Q. So as you sit here today you can't think  
15 of any scenario, nothing can come to your mind where  
16 it would be appropriate for you as the sheriff to  
17 hold Jason Davis accountable for something his wife  
18 posted; is that fair?

19 MR. SIMON: Objection to the form of  
20 the question. It's argumentative.

21 You can try to answer.

22 A. It wouldn't be factual. It wouldn't be  
23 fair to me to try to make up something that he did  
24 or didn't do. That wouldn't be fair to anybody.

25 Q. I'm not asking you to make anything up.

1 I'm saying you as the sheriff, you would agree with  
2 me that as you sit here you can't think of any  
3 reason you would ever hold Jason Davis accountable  
4 for something his wife would have posted, assuming  
5 what she posted didn't contain confidential  
6 information of the Hamilton County Sheriff's  
7 Department?

8 MR. SIMON: Objection to the form of  
9 the question. Lacks foundation.

10 A. Again --

11 MR. SIMON: Calls for speculation.

12 A. -- I don't deal in hypotheticals, sir. I  
13 just don't. And it's not appropriate. It's not  
14 proper policy and procedure. And, no, I -- you're  
15 asking me a question. No, I cannot.

16 Q. You can't think of anything, fair?

17 MR. SIMON: Objection to the form.

18 Q. Is that fair?

19 A. No, I can't.

20 Q. So it's fair as you sit here you cannot  
21 think of any, correct?

22 MR. SIMON: Objection to the form of  
23 the question. Asked and answered.

24 Argumentative.

25 You can try to answer, Sheriff.

1           A. I can't think of any hypothetical reason I  
2 would -- I just -- no, I can't make things up. No.

3           Q. What, if any, understanding did you have  
4 or knowledge of Jason Davis and his career before  
5 that meeting?

6           A. I knew that Jason Davis had started his  
7 career inside the jail as a jail service officer. I  
8 knew that at some point during that tenure of being  
9 a jail service officer he was connected to the  
10 union -- the jail service deputy union.

11           I was unaware that he had been promoted to  
12 road patrol, but, you know, obviously, you know, I  
13 -- yeah. I just -- I didn't -- I'm looking at that  
14 green memo, because I'm like -- yeah, I had no idea  
15 what his status was after that. I lost complete  
16 track of -- the things I knew is that he was still  
17 embedded in the jail.

18           Q. Okay. Did you know anything else other  
19 than what you've just testified to in advance --  
20 about Jason Davis in advance of the October 10,  
21 2023, meeting?

22           A. What do you mean anything else?

23           Q. About his -- who he was, his career with  
24 the Hamilton County Sheriff's Department. I mean,  
25 the point of the meeting is -- as you've testified

1 to and as Exhibit 18 confirms, it was about his  
2 future with the department. And so I want to know  
3 what did you know about him in advance of that  
4 meeting. And you said I knew that he was an  
5 employee who had been in the jail for a period of  
6 time. He was a union rep of some sort. He was  
7 associated with the union.

8 A. Uh-huh.

9 Q. You said you didn't know that he had been  
10 promoted to patrol officer. Did you know anything  
11 else about him in advance of that meeting?

12 MR. SIMON: Object to the form.

13 Tom, are you saying in advance of the  
14 meeting before she talked to anybody or  
15 literally when the meeting started?

16 MR. BRUNS: Literally when the  
17 meeting started.

18 Q. Because I -- in addition -- you talked --

19 A. So when the meeting started --

20 Q. Let me just finish. Let me just finish.

21 Because you've testified to something Chief Gramke  
22 told you in advance of the meeting --

23 A. Uh-huh.

24 Q. -- correct?

25 A. Uh-huh.

1           Q. I'm including that in what you allegedly  
2 knew, so --

3           A. So yeah. When -- when I spoke to the  
4 Chief is when, you know, literally I found out he  
5 had been promoted to road patrol. I mean, until  
6 that moment I had no idea where -- you know, that he  
7 was even outside of the jail.

8           Q. Okay. Did you know anything else in  
9 advance of the meeting other than what you've  
10 testified to, as you recall?

11          A. Specifically anything, can you reference  
12 that? I mean, as far as like what I knew of -- like  
13 in my mind Jason Davis was a -- when he worked in  
14 the jail, he was a good employee.

15          Q. Okay. That's what I'm asking. Anything  
16 --

17          A. Yeah.

18          Q. -- you knew.

19          A. I mean, I -- I recollect that he was a  
20 good employee, that he was very, you know,  
21 passionate about his job and did a good job. That's  
22 my recollection.

23          Q. All right. Do you recall any other  
24 information you had about Jason Davis, whether it  
25 was from something somebody told you or you just had

1 from personal knowledge before that meeting;  
2 anything else about him that you recall as you sit  
3 here today?

4 A. Before that meeting, those are the things  
5 that I would recall if you asked me about Jason  
6 Davis.

7 Q. Okay. Thank you. If you could turn to  
8 page 12 of the Exhibit 24.

9 A. Sure.

10 Q. And Request to Admit No. 10 --

11 A. Uh-huh.

12 Q. -- says that after -- admit that after  
13 Jason Davis made the statement in Request for  
14 Admission No. 9 you then made the following  
15 statement. And there's a lengthy statement that's  
16 there. And your answer was I cannot admit or deny  
17 due to insufficient recollection.

18 And I would like for you to read the quote  
19 in that question, in that Request No. 10 -- read  
20 that out loud and then I have some questions for  
21 you.

22 A. The quote?

23 Q. The long -- the body.

24 A. Oh, the entire thing?

25 Q. Yes, please.

1 A. I was looking for specific --

2 Q. That's okay.

3 A. -- quotes.

4 Q. Yeah, go ahead and read it out loud.

5 A. Sure. Well, let me just put it in  
6 perspective for you. And the Chief used the example  
7 of wife, sister, et cetera. I'm the boss. I'm the  
8 Sheriff. And I've got to tell you, you know, when I  
9 came up under Sheriff Leis, around 26 years, and I  
10 worked very closely with him. I ran some of his  
11 most prized programs. Okay. And, you know, if  
12 there was any kind of Facebook thing going around  
13 like that about Simon Leis when I worked for him, I  
14 would have done my best to squash it. I would have  
15 done my best to kill it. I would have certainly  
16 never participated in it. Because you respect the  
17 boss, you know. I mean, I wouldn't have done it  
18 under Jim Neil.

19 Now, here's the thing, you know, I get  
20 that your wife is -- you know, she's her own person.  
21 She has every right to say or do whatever she likes.  
22 I don't hold it personally against her. And I'll  
23 give you an example. When I was working for Sheriff  
24 Leis, there was an officer who worked here who had  
25 been, you know, a long-time kind of family friend,

1       et cetera, and she needed a place to stay and so I  
2       said, well, you know, I have a full basement and  
3       everything, you can stay there for a while. Well,  
4       she stopped coming to work. And I said, you know  
5       what, you can't live here if you don't go to work.  
6       You just can't. She wasn't even -- I wasn't married  
7       to her. She wasn't related to me. I just said,  
8       look, I am not going to be associated with someone  
9       who doesn't do their job. You can't be that closely  
10      associated with me and not come to work. And, you  
11      know, I hope you have a good life and everything,  
12      but you can't live here if you're going to do that.  
13      And because -- and the reason I did that is because  
14      that reflects upon me, you know. She's in my house.  
15      She's just a roommate. I mean, she's nobody close  
16      to me, but I was going -- I was not going to let  
17      someone be around me who would reflect negatively on  
18      me in any way because that's not the way I run my  
19      life.

20           And, you know, I think as much as your  
21      wife is -- she wants to be her own person, hey, I  
22      applaud that, you know. Then there is an  
23      accountability, because you guys are associated.

24           Q.     And then your response to that request  
25      was, I cannot admit or deny due to insufficient

1       recollection. And was that response a truthful  
2       statement by you?

3           A. I would say yes.

4           Q. Okay. And just a quick question. You  
5       read it, the statement about an anecdote from your  
6       life about a person who was living in your house.  
7       Is the information in the body of that, that you  
8       just read about you, is that true?

9           A. About me?

10          Q. Yes. That there was a person who you  
11       worked with who was living in your house, they  
12       didn't come to work, the whole --

13          A. Yes.

14          Q. -- narrative?

15          A. Yes.

16          Q. That's all true, correct?

17          A. That's correct.

18          Q. Okay. And do you recall saying anything  
19       like what you just read in Request to Admit No.  
20       10 -- do you recall saying anything like that in the  
21       meeting on October 10, 2023?

22          A. My answer here of I cannot admit or deny  
23       due to insufficient recollection simply -- and that  
24       is true. I recall the circumstance that I lived  
25       here. I cannot say for certain this is word for

1 word exactly what I said, but yes, I -- you know, as  
2 far as if you're asking me if the things I just  
3 related here are true to me, yes.

4 Q. My question was, do you recall saying  
5 anything like the substance of what's in Request to  
6 Admit No. 10; do you recall saying something like  
7 that, that substance in that meeting on October 10,  
8 2023?

9 A. I recall using examples, yes.

10 Q. Okay. Do you recall saying anything else  
11 from that meeting other than what we've discussed so  
12 far?

13 A. No. I recall using examples. I recall,  
14 you know, attempting to explain to an employee  
15 perspectives of what we are all in there talking  
16 about. That's all I -- yeah. That's what I recall.

17 Q. Okay. Why would you bring up an  
18 anecdote -- I'm going to call it an anecdote, the  
19 story --

20 A. Sure.

21 Q. -- you relate here -- why would you bring  
22 up an anecdote about forcing someone out of your  
23 house because it reflected negatively on you at  
24 work -- why would you bring that up and then  
25 immediately talk about Jason Davis's wife and say

1 something along the lines that there's an  
2 accountability because you guys -- meaning he and  
3 his wife -- are associated; why would you do that?

4 MR. SIMON: I'm going to note my  
5 objection again that you're asking her why  
6 did you say certain things at the meeting.  
7 Well, play her the recording and I'm sure  
8 she can better explain.

9 MR. BRUNS: You have a continuing  
10 objection.

11 MR. SIMON: And I want to make -- and  
12 I understand that, but based on that  
13 specific question.

14 If you can try to answer the  
15 question, go ahead.

16 MR. BRUNS: I want the court reporter  
17 to read it back, please.

18 THE COURT REPORTER: "Why would you  
19 bring up an anecdote about forcing someone  
20 out of your house because it reflected  
21 negatively on you at work -- why would you  
22 bring that up and then immediately talk  
23 about Jason Davis's wife and say something  
24 along the lines that there's an  
25 accountability because you guys -- meaning

1                   he and his wife -- are associated; why  
2                   would you do that?"

3                 Q. Go ahead and answer the question.

4                 A. Again, I would have to understand the  
5                 entire context and flow of the conversation, which I  
6                 do not. This is a piece of what's represented here  
7                 about what was said. And if I were looking at the  
8                 entire conversation verbatim, then I may be able to  
9                 answer that question. But I -- this is the example  
10                apparently that I used. And that's what I meant.

11                Q. What did you mean?

12                A. That these are examples of things that --  
13                that can influence your life. I mean, you know,  
14                it's very hard for me to understand without seeing  
15                the entire -- the entire conversation prior to and  
16                after. This is a small snapshot as I see it.

17                   I can tell you in my mind that my goal in  
18                 any conversation is to talk about the job and what  
19                 the job actually means, what it means to work a  
20                 particular position or job, and I'm focused entirely  
21                 on the work at hand and what -- what might influence  
22                 our ability to follow policy and procedure and the  
23                 fact that we all are bound to policy and procedure.  
24                 And that -- in my mind, this is all about work and  
25                 the work that we do.

1 Q. All right. So when you talked about an  
2 accountability because Jason and his wife are  
3 associated, you were equating that to his work?

4 A. I was -- I'm sorry. Can you ask me that  
5 again?

6 MR. BRUNS: Please read that back.

7 THE COURT REPORTER: Sure. "So when  
8 you talked about an accountability because  
9 Jason and his wife are associated, you  
10 were equating that to his work?"

11 A. I was equating that statement to Jason  
12 Davis, period.

13 Q. And his work at the Hamilton County  
14 Sheriff's Department, correct?

15 A. I can't say that factually. I can say  
16 that I was addressing Jason Davis and I was talking  
17 about Jason Davis in the context that he worked for  
18 us.

19 Q. Thank you. And do you have any personal  
20 knowledge that Jason Davis violated any policy or  
21 procedure of the Hamilton County Sheriff's  
22 Department on or before October 10, 2023?

23 A. Prior to this?

24 Q. Yes.

25 A. Or hindsight?

1 Q. No. Prior.

2 A. Prior to this, I do not.

3 Q. Okay. And in hindsight what policy or  
4 procedure do you believe Jason Davis violated?

5 A. I don't have the policies and procedure in  
6 front of me, so it wouldn't be fair for me to  
7 factually state what that is, because there are lots  
8 of policies and procedures that I would need to be  
9 looking at and referencing the exact wording of.

10 Q. As you sit here today you don't know of  
11 any; is that fair?

12 A. Again, unless I had the policy and  
13 procedure in front of me, I would not be able to  
14 answer that question.

15 Q. Because you don't know of any as you sit  
16 here, fair? I mean, if you know of one, tell me.  
17 That's the implication of my question. If you know  
18 of a specific policy or procedure violation in  
19 hindsight that you believe Jason Davis committed  
20 while he was an employee of the Hamilton County  
21 Sheriff's Department, I want to know.

22 A. Without looking at the policies and  
23 procedures I cannot answer that.

24 Q. All right. And you've never seen any  
25 documentation as far as you're aware of Jason Davis

1 violating any policy or procedure of the Hamilton  
2 County Sheriff's Department, correct?

3 MR. SIMON: Objection. Are you  
4 continuing through the time of this  
5 meeting?

6 MR. BRUNS: Up to the time of the  
7 meeting.

8 MR. SIMON: His conduct through the  
9 time of the meeting?

10 MR. BRUNS: Yeah. Correct.

11 A. Through to the time of the meeting?

12 Q. Including in the meeting itself.

13 A. In the meeting itself?

14 Q. Yes.

15 A. I was not aware in the meeting itself of  
16 him violating any policy and procedure.

17 Q. Before that, correct?

18 A. Or before that.

19 Q. All right.

20 A. Correct.

21 Q. All right. And, in fact, if someone had  
22 knowledge that an officer in the Hamilton County  
23 Sheriff's Department violated a policy or procedure,  
24 they're supposed to document that, fair?

25 A. Well, again, that's -- that lends itself

1 to situations. And when you're saying someone had  
2 knowledge --

3 Q. A supervisor. Someone higher up than  
4 Jason Davis. If they had knowledge that he violated  
5 a policy or procedure, they're supposed to document  
6 it, correct?

7 A. Supervisors are supposed to document  
8 policy and procedure violations, yes.

9 Q. All right. And to go back to one of my  
10 earlier questions, other than you equating this  
11 anecdote that you told and forcing someone out of  
12 your house and equating it to Jason Davis's work  
13 because he's associated with her, his wife, and  
14 there has to be accountability, do you recall any  
15 other reason why you brought up that anecdote about  
16 someone living in your house and you literally  
17 forced them out of your house because it was  
18 reflecting negatively on you at work; do you recall  
19 any other reason why you brought that up?

20 A. First of all, I would just like to  
21 stipulate here, I don't see in my statement written  
22 here that I forced someone out of my house.  
23 Secondly, my example here is related to work and  
24 work only.

25 Q. Okay. So the answer to my question, you

1 can't think of anything else, fair -- any other  
2 reason why you brought it up?

3 A. Other than -- other than work and  
4 work-related example, no.

5 Q. All right. And assuming -- you in your  
6 example from the meeting that you gave, assuming you  
7 actually used the words talking about this person  
8 who had been living with you, but you can't live  
9 here if you're going to do that, that's the sense I  
10 was using in forcing them out of your house, did you  
11 in fact ask the person to leave?

12 A. No, I did not.

13 Q. Okay. How did that turn out; did they  
14 start coming to work and then you were okay with it?

15 A. She lived there for another eight years,  
16 sir.

17 Q. Okay. Because she started coming to work?

18 A. Yes. That's correct.

19 Q. All right. Could you go to page 13 of the  
20 request to -- of the discovery responses, Exhibit  
21 24.

22 A. Oh, page 18?

23 Q. Page 13.

24 A. Oh. 13.

25 Q. Yeah.

1 A. Okay. Sure.

2 Q. All right. The request to Admit No. 11  
3 says, Admit that, at all times relevant to the  
4 meeting held between you, Chief Deputy Gramke, and  
5 Jason Davis on or about October 10, 2023, Chief  
6 Deputy Gramke was acting pursuant to authority  
7 conferred to him by law. And your response says, I  
8 admit Chief Deputy Gramke was acting as Chief Deputy  
9 to the Hamilton County Sheriff. Did I read that  
10 accurately?

11 A. Yes.

12 Q. All right.

13 A. Uh-huh.

14 Q. And when you say you admit he was acting  
15 as Chief Deputy, you would agree with me that he was  
16 acting pursuant to the legal authority conferred on  
17 him as Chief Deputy to the Hamilton County Sheriff,  
18 right?

19 A. He was sworn as a Hamilton County Deputy,  
20 yes.

21 Q. And he's in that meeting because he has  
22 authority conferred on him as Chief Deputy, fair?

23 A. Yes. Correct.

24 Q. All right. I just want to make sure. And  
25 then the same thing with Request to Admit No. 13.

1 It was the same question relative to you. You made  
2 the same answer relative to you that you did to  
3 Chief Gramke, but I want to make sure I understand  
4 your testimony.

5 Is it fair to say you admit that you were  
6 acting pursuant to the legal authority conferred on  
7 you as the elected Sheriff of Hamilton County?

8 A. Yes. I would say that's correct.

9 Q. All right. And then if you go to Request  
10 to Admit No. 15.

11 A. Yes.

12 Q. It says, Admit that you are, for purposes  
13 of employment, including assignments to RENU and  
14 promotions to corporal within the Sheriff's  
15 Department, the ultimate policy-making official for  
16 such actions pursuant to law.

17 And your answer was, I admit I am the  
18 elected Sheriff of Hamilton County.

19 Are you -- do you admit that for purposes  
20 of employment, including assignments to RENU and  
21 promotions to corporal within the Sheriff's  
22 Department that you are the ultimate authority on  
23 that, you're the ultimate policy-making official,  
24 the buck stops with you?

25 MR. SIMON: Objection to the form of

1                   the question. Calls for a legal  
2                   conclusion.

3                   You can answer.

4                 A. I would say the word ultimate there is a  
5                 very nuanced word because, again, there are people  
6                 assigned in our organization, and they are given  
7                 authority to make particular decisions, judgments,  
8                 sign off on policies and so forth regarding those  
9                 things.

10                 So am I the Sheriff of Hamilton County?

11                 Yes. Am I elected? Yes. Did I swear an oath to  
12                 act as the Sheriff of Hamilton County duly elected?  
13                 Yes.

14                 Q. Okay. But in terms of, for instance,  
15                 assignments to RENU and promotions to corporal,  
16                 other people below you are involved in that  
17                 decision-making process, correct?

18                 A. They are.

19                 Q. All right. But the ultimate decision  
20                 maker is you, you have the authority to say no, that  
21                 person is not going to be promoted or yes, they are  
22                 going to be promoted; the buck ultimately stops with  
23                 you on the promotions issue, correct?

24                 A. As the Sheriff I am the -- I am the final  
25                 decision maker for decisions that affect the

1 Sheriff's Office.

2 Q. All right. And that includes promotions  
3 to RENU and promotions to corporal, fair?

4 A. So it would include anyone that is  
5 employed with the Hamilton County Sheriff's Office  
6 and any of their tenure, be it -- yeah. Be it  
7 continuing a tenure or anything that would affect or  
8 be in effect of their employment, yes.

9 Q. Assignments, promotions?

10 A. Yes.

11 Q. All right.

12 A. Uh-huh.

13 Q. And if you disagreed with the decision of  
14 someone below you on the chain of command who was  
15 involved in the decision-making process, you could  
16 ultimately overrule it because you have the last  
17 word on it, fair?

18 A. I could, yes.

19 Q. Could you go to page 14?

20 A. Uh-huh.

21 Q. These are just some housekeeping questions  
22 I wanted to know.

23 A. Uh-huh.

24 Q. Page 14, where it says -- the No. 1 that's  
25 there, the first interrogatory, Excluding attorneys,

1 identify each person who provided information or  
2 documents; do you see that question?

3 A. Yes, I do.

4 Q. All right.

5 A. Uh-huh.

6 Q. Then there's an answer here about people  
7 who provided assistance with certain of the document  
8 requests and also Interrogatory No. 15; do you see  
9 that?

10 A. Yes, sir.

11 Q. Okay.

12 A. Uh-huh.

13 Q. Did you before verifying the answers to  
14 interrogatories -- did you also review the documents  
15 that you supplied as part of your answers to the  
16 document requests; did you review those?

17 A. I don't recall.

18 Q. Okay.

19 A. I don't recall whether I did or not. I  
20 just simply don't recall.

21 Q. All right. How do you know that what you  
22 provided in response to document requests was  
23 accurate?

24 A. So, again, I would have reviewed material  
25 that of which I -- honestly I don't recall

1 specifically what I might have looked at. But I  
2 answered the questions to the best of my ability  
3 truthfully, and that's what I can recall other than  
4 I -- I can't recall whether I did or didn't. I may  
5 have. I may have looked at these documents. I  
6 don't -- I simply don't recall.

7 Q. Okay. How do you know -- since you swore  
8 that the information in these interrogatories -- and  
9 this is the very first one --

10 A. Uh-huh.

11 Q. -- you swore that the substantive  
12 information is true and accurate --

13 A. Uh-huh.

14 Q. -- how do you know that Jessica Kober, for  
15 instance, Administrative Manager -- how do you know  
16 she provided assistance with response to  
17 Interrogatory No. 15 and then those various requests  
18 for production of documents; how do you know that?

19 A. Because Jessica Kober is the  
20 administrative manager. And those are her job  
21 duties. And she's been doing that job for almost 30  
22 years now. And Jessica provides this type of  
23 documentation routinely for lots of different  
24 reasons in the Sheriff's Office. And I certainly  
25 trust that she has produced every document that has

1 been asked.

2 Q. Okay. And so you know her, that's her job  
3 duty to assemble those documents, and you trust that  
4 she does it accurately?

5 A. It's one of her job duties, yes.

6 Q. Okay. Thank you. I want to ask some  
7 questions about Interrogatory No. 2, but before we  
8 get on to that, I want to make sure I understand. I  
9 think you've answered this question, so I'm going to  
10 apologize if I've belabored the point.

11 Do you recall saying anything else in that  
12 October 10, 2023, meeting with Jason Davis and Chief  
13 Gramke other than what you've testified to here  
14 today?

15 A. I simply can't -- I can't recall -- I  
16 cannot recall or recall because I -- I mean, again,  
17 it was 2023. It was a conversation that the three  
18 of us were having. And it was a conversation. So I  
19 can't answer that question that there were more  
20 things I said or didn't say.

21 Q. Because you don't know?

22 A. Because I don't know. Yes, sir.

23 Q. Thank you. In answer to Interrogatory No.  
24 2 it asked about witnesses. One of the people  
25 disclosed was Jay Gramke.

1 A. Uh-huh.

2 Q. And it says knowledge of the meeting that  
3 is the subject of the Plaintiffs' complaint. He was  
4 there, so obviously he has personal knowledge of  
5 what happened, fair?

6 A. I would say yes, that's fair.

7 Q. Okay. Other than his knowledge of what  
8 transpired in the meeting, do you know of any other  
9 information he has relative to the subject of the  
10 complaint or your defenses or anything else?  
11 Because that was the question.

12 A. So if I understand it, you're asking me if  
13 he has knowledge of anything other than what's  
14 printed here?

15 Q. Yeah. Other than what you answered, the  
16 question was -- let me just be clear. The question  
17 was identify, right -- we wanted you to identify --

18 A. Uh-huh.

19 Q. -- anyone with knowledge of any of the  
20 allegations contained in the complaint and/or  
21 knowledge of any of the defenses alleged in your  
22 answer, including generally the subject matter of  
23 which they have knowledge, and your response was Jay  
24 Gramke, knowledge of the meeting that is the subject  
25 of Plaintiffs' complaint.

1                   And so my question to you is, are you  
2 aware if he has any other knowledge beyond that?

3                   A. I would have no idea.

4                   Q. Okay. Chris Kettman. It says knowledge  
5 of the underlying reasons that Plaintiff Jason Davis  
6 was not promoted to corporal or given an assignment  
7 to RENU.

8                   Did you ever talk to Chris Kettman about  
9 either of those issues?

10                  A. No, I did not.

11                  Q. All right. How do you know that Chris  
12 Kettman has knowledge of the underlying reasons with  
13 Plaintiff Jason Davis why he was not promoted to  
14 corporal or given an assignment to RENU?

15                  A. Because any records request would have  
16 come through those chains of command. So Chris  
17 Kettman is the commander. He is the -- he was at  
18 the time the major who was in charge of those areas  
19 of road patrol.

20                  Q. Okay.

21                  A. So he would have knowledge.

22                  Q. Okay. That's an assumption on your part,  
23 you didn't quiz him about his knowledge or --

24                  A. No, sir.

25                  Q. Is that correct?

1 A. That's correct.

2 Q. Okay. And just I should -- just so we're  
3 clear and I don't forget to ask you --

4 A. Uh-huh.

5 Q. -- the RENU process, just from your  
6 knowledge give me the process of someone applying  
7 who is an employee of the Hamilton County Sheriff's  
8 Department when they want to go to RENU, what's the  
9 process they go through?

10 A. Well, every process we have is very  
11 structured. So that process would be you apply  
12 generally in writing. It's posted that there is a  
13 -- some type of opening. Deputies will apply. And  
14 then those deputies will go through either for, you  
15 know, promotions of rank and so forth.

16 We have testing -- testing that's written  
17 by outside, you know, agencies who bring the test in  
18 to us. And if it is sometimes like a preferred  
19 assignment, there will be interviews. There will be  
20 an interview process.

21 Q. RENU has that?

22 A. To my knowledge they do.

23 Q. Okay.

24 A. And then the -- any employee who is  
25 applying for anything like that, their work history

1 would be assessed and selection would be -- I'm  
2 going to use the word suggested, because I can't  
3 think of any other word. But their selection would  
4 be suggested by those people in the chain who had  
5 responsibility for that.

6 Q. And who is in that chain -- at least back  
7 in, you know, when Jason Davis was an employee of  
8 the Hamilton County Sheriff's Department, who was in  
9 that chain?

10 A. I would have no idea, sir.

11 Q. I apologize. Whether you have a name or  
12 just a rank, like a position, that's what I'm  
13 asking.

14 A. Well, our ranks -- our ranks are  
15 structured as corporal, sergeant, lieutenant,  
16 captain, major, chief deputy, and then myself. So  
17 people that were in the chain of command who held  
18 those ranks is who I would think would be in that  
19 process of interview.

20 Q. Okay. And how high does it get up to  
21 before someone actually recommends a candidate for  
22 RENU before there's a final decision; who  
23 actually -- how high does it go in the chain where  
24 there's a recommendation?

25 A. Well, I would say that the captain and --

1       the captain who is -- who has purview over that  
2       unit. And also then, of course, the major, who is  
3       -- who is command of that unit and many others would  
4       be the path that that would come through.

5           Q.    Okay. And this process that you talked  
6       about for RENU --

7           A.    Uh-huh.

8           Q.    -- it's pretty formalized, structured,  
9       right?

10          A.    I wouldn't be able to answer that question  
11       accurately, because RENU is a very specific -- it's  
12       a very specific unit. It has -- there's lots of  
13       different nuances to RENU because of the fact that  
14       it is also a unit that collaborates with Cincinnati  
15       Police Department. Some of their members are also  
16       there. There is a lot of collaboration with other  
17       agencies.

18           So it -- I can't say that to take RENU and  
19       compare it to a very standard, you know, structured  
20       unit inside the jail, let's say, because RENU is so  
21       very different in the way that they're conducting  
22       business, being on that first line of drug  
23       enforcement and so forth.

24          Q.    Well, let me ask you this then. Who would  
25       know the answer to my question; would Chris Kettman

1 know the answer to my question?

2 A. I would -- Chris Kettman is a major. So  
3 logically he would be apprised of what's going on in  
4 that unit.

5 Q. Sure. My question was about the -- how  
6 this process to vet candidates for RENU -- what the  
7 process entails and how structured it is and formal  
8 and that kind of thing and the reasons behind it.

9 A. Uh-huh.

10 Q. Would Chris Kettman likely know the  
11 answers to those questions?

12 A. I would assume that he would.

13 Q. How about Matt Guy?

14 A. It says here Matt Guy was an official  
15 within RENU. So I would again assume yes.

16 Q. Okay. And in terms of this vetting  
17 process for candidates, it also includes officials  
18 from other law enforcement agencies; they're part of  
19 the vetting process?

20 A. I would have no idea what part they take.

21 Q. I thought you said that, but I  
22 misunderstood you. So it's possible they're part of  
23 it, you don't know?

24 A. I would have no idea.

25 Q. You listed Dave Downing. It says as

1 someone who has knowledge of Plaintiff Jason Davis  
2 and Plaintiff Jason Davis's employment with the  
3 Hamilton County Sheriff within Anderson Township.

4 What's your understanding of Dave  
5 Downing's role there?

6 A. Just what it says here, that he's employed  
7 at the Anderson Township location for the Hamilton  
8 County Sheriff's Office. I don't -- I would have no  
9 idea what process he would be involved in there.

10 Q. Okay. With the exception of Pete  
11 Stackpole, one of the attorneys who is involved in  
12 this case --

13 A. Uh-huh.

14 Q. -- did you talk to any of these folks at  
15 any time about the complaint, Jason Davis, any of  
16 his allegations, the October 10 meeting, any of  
17 that?

18 A. No. No, sir.

19 Q. Okay. So these responses are you're  
20 simply saying these are people -- other than Pete  
21 Stackpole -- these are people who might have some  
22 knowledge of the issues involved, fair -- because  
23 you didn't talk to them, so you don't really know  
24 what they know?

25 A. Correct.

1           Q.    Okay.  You listed Tom Butler.  Did you --  
2 who is Tom Butler?

3           A.    So Tom Butler was formerly at road patrol.  
4 He was a captain assigned to road patrol.  He --  
5 when I came on, when I began as sheriff, my  
6 recollection is that we asked Tom Butler to be the  
7 commander -- the captain of court services.  So he  
8 moved to the court service location, served as  
9 captain of our court service division.

10          Q.    Okay.  And then it says he has knowledge  
11 of Plaintiff Jason Davis's current employment with  
12 Springdale Police Department.  How do you know that?

13          A.    Well, Tom Butler -- ultimately he was  
14 retired and was working on what we call PRE.  And  
15 during that tenure, which is a three-year window, he  
16 resigned and assumed the position of Chief of Police  
17 of Springdale Police Department.

18          Q.    All right.  And to your knowledge what is  
19 his reputation within the law enforcement community;  
20 is it good?

21          A.    I haven't heard anything to the negative  
22 about Tom Butler.

23          Q.    Okay.  As far as you're aware does he have  
24 a reputation for honesty?

25          A.    We all have a reputation for honesty.

1           Q.    Okay.  You've never heard anything  
2 negative about his reputation for honesty; is that  
3 fair?

4           A.    Not in my knowledge.

5           Q.    Okay.  You said on this list you didn't  
6 speak with anyone about any of these issues before  
7 disclosing them in this interrogatory.  You don't  
8 know what they know.

9                 My question about Pete Stackpole -- and I  
10 know he's one of your attorneys in this case --  
11 before -- at any time before the decision on Jason  
12 Davis was made about not getting the RENU spot --

13          A.    Uh-huh.

14          Q.    -- okay, did you consult with any  
15 lawyer -- in-house lawyer about that at any time?

16          A.    No, sir.

17          Q.    And Pete Stackpole is down the hall from  
18 you; you could -- there are lawyers available to you  
19 within the Hamilton County Sheriff's Department if  
20 you wanted to consult; is that fair?

21          A.    That's fair.

22          Q.    Could you go to page 17 of Exhibit 24.

23          A.    Uh-huh.

24          Q.    Interrogatory No. 6 says, Please state all  
25 reasons why you prevented, or permitted Chief Deputy

1 Gramke to prevent Jason Davis's reassignment to RENU  
2 in 2023. And then the answer that you gave was,  
3 Chief Deputy Gramke made the decision to prevent  
4 Jason Davis's assignment to RENU. I agreed with his  
5 decision. And let me just stop there.

6 Ultimately if you had disagreed with his  
7 decision, you could have overruled Chief Deputy  
8 Gramke, correct?

9 MR. SIMON: Objection. Hypothetical.  
10 Lacks foundation.

11 You can try to answer.

12 A. I would have the authority to, yes.

13 Q. All right. I'll continue reading. You  
14 say, RENU is an elite unit within law enforcement  
15 that requires those assigned to it to protect  
16 sensitive information. Trust, responsibility, and  
17 secrecy are necessary for RENU officers. Jason  
18 Davis did not have the necessary qualities for RENU.  
19 Did I read that -- did I read your answer correctly?

20 A. That is correct.

21 Q. All right. And when you say the final  
22 sentence there, Jason Davis did not have the  
23 necessary qualities for RENU, are you referring to  
24 the sentence beforehand, which is trust,  
25 responsibility, and secrecy?

1           A.     What I'm referring to is the Chief  
2 Deputy's decision and his assertion that Jason Davis  
3 didn't have the necessary qualities for RENU. What  
4 we noted there with trust, responsibility, and  
5 secrecy are things that are unique to the unit of  
6 RENU. And that applies to their day-to-day  
7 operations.

8           Q.     Okay. My question was very simple. When  
9 you wrote or stated and agreed with the statement  
10 that Jason Davis did not have the necessary  
11 qualities for RENU, what were the necessary  
12 qualities, if not trust, responsibility, and  
13 secrecy?

14          A.     Well, there are many different qualities  
15 that can be assessed in any type of interview or  
16 selection process. So what we -- what I noted there  
17 is what I know personally to be parts of necessary,  
18 you know, qualifications for RENU.

19                 But, again, that's not a complete list.  
20 So I would say that Jason Davis did not have the  
21 necessary qualities for RENU and, as I stated, Chief  
22 Gramke made the decision.

23          Q.     What necessary qualities for RENU did  
24 Jason Davis not have in terms of what you were  
25 referencing under oath in your response to

1      Interrogatory No. 6; what necessary qualities are  
2      you saying I swear under oath I have personal  
3      knowledge he didn't have those necessary  
4      qualities -- what were you referring to?

5 A. I was referring to the Chief Deputy's  
6 decision, that the Chief Deputy had made a decision  
7 that Jason Davis did not meet the requirements for  
8 RENU and that's what I was referring to.

9 Q. So you don't have any -- other than  
10 something Chief Deputy Gramke told you, you don't  
11 have any personal knowledge that Jason Davis did not  
12 have the necessary qualities for RENU, fair?

13 A. I would say that's a fair statement.

14 Q. Okay. And what did Chief Deputy Gramke  
15 tell you were the reasons or the substance to  
16 support your statement that Jason Davis did not have  
17 the necessary qualities for RENU; what did he tell  
18 you?

19 MR. SIMON: Objection. Asked and  
20 answered.

21 You can go ahead and answer again.

22           A. Again, I honestly don't recall. I don't  
23 recall exactly what the Chief told me regarding  
24 this -- Jason Davis's assignment to RENU. I don't  
25 recall a specific list or anything specific that the

1 Chief Deputy told me as to why.

2 Q. Okay. Are you aware of any documents that  
3 support that conclusion that Jason Davis did not  
4 have the necessary qualities for RENU; are you aware  
5 of any documentation -- an email, a personnel record  
6 in a personnel file, you know, a summary of an  
7 interview -- any document, any writing that existed  
8 on or before October 10, 2023, that supports that  
9 conclusion; are you aware?

10 A. I'm not, no.

11 Q. Okay. If someone -- going back to this  
12 vetting process for RENU --

13 A. Uh-huh.

14 Q. -- if someone goes through that process,  
15 documents are generated as part of that process,  
16 correct -- there's different steps people --  
17 candidates take to go through the process, correct?

18 A. There should be.

19 Q. Okay. And who would retain those  
20 documents; who within the Sheriff's Department  
21 should have copies of the documents that are  
22 generated as part of someone going through the  
23 process of applying for RENU?

24 A. I would not be able to answer that  
25 question, because one of the reasons is because it

1       is RENU and I do know that it's a very secretive  
2       situation there regarding who joins, the identities,  
3       things like that. So I really would have no idea  
4       how they --

5           Q.     Sure.

6           A.     -- how they keep those.

7           Q.     So you don't know. So my next question is  
8       who within the Hamilton County Sheriff's Department  
9       would know where such records are maintained?

10          A.    Well, I would think that -- I would think  
11       that the major who is in command of that unit --

12          Q.    Would know the answer to that?

13          A.    -- would know the answer to that.

14          Q.    Thank you. And then in terms of the basis  
15       for your agreeing with Chief Gramke's decision,  
16       because you said I agreed with his decision --

17          A.    Uh-huh.

18          Q.    -- and of course the decision was to  
19       prevent Jason Davis's assignment to RENU -- in terms  
20       of you agreeing with him he told you that Jason  
21       Davis did not have the necessary qualities for RENU,  
22       correct?

23          A.    Well, I don't specifically recall him  
24       saying that, but I -- I trust the Chief Deputy. The  
25       Chief Deputy is making a decision based on his

1 experience, the fact that he was actually a  
2 lieutenant in that unit or thereabouts, a sergeant,  
3 held rank in that unit, had worked in that unit for  
4 many years. So when he says something like that to  
5 me, I certainly believe him.

6 Q. You assume it's true?

7 A. Well, I believe that it is true, yes.

8 Q. Okay. So in that sense he told you  
9 something, right -- he communicated some information  
10 to you, correct -- whether you recall the specifics  
11 of it or not, he communicated some information to  
12 you about preventing Jason Davis's assignment to  
13 RENU, right?

14 A. He did. That's right.

15 Q. Okay. And because you say I agreed with  
16 his decision, so he had -- he communicated --

17 A. Uh-huh.

18 Q. -- it to you in some way, right?

19 A. And exactly the way he said it to me I do  
20 not recall, but what I do recall is his assertion  
21 that Jason Davis was not a good candidate for RENU.

22 Q. Okay. And based on that alone you agreed  
23 with him because of your knowledge of who Chief  
24 Gramke is and his experience; is that --

25 A. I did --

1 Q. -- correct?

2 A. -- agree with him. Yes.

3 Q. Okay.

4 A. Uh-huh.

5 Q. In that sense you rubber stamped Chief  
6 Gramke's decision; is that fair?

7 MR. SIMON: Objection to the form of  
8 the question. Argumentative.

9 Q. You didn't do any due diligence on your  
10 own to look into it, you just accepted his decision,  
11 correct?

12 A. My due diligence was to vet Chief Deputy  
13 Jay Gramke before I selected him as my Chief Deputy.  
14 And I did so in great detail. And what I understood  
15 and the reason Chief Deputy Jay Gramke was selected  
16 was because of his tenure, his record, his  
17 expertise, his ability to act as a commander in that  
18 high-level position with the Hamilton County  
19 Sheriff's Office.

20 So, yes, because of my diligence and  
21 homework in selecting my command staff I do have a  
22 great deal of confidence in their decisions.

23 Q. Are you aware of any document that exists  
24 involving Chief Gramke's communication regarding why  
25 he prevented Jason Davis's assignment to RENU -- are

1 you aware of any document -- an email, a note,  
2 anything -- that discussed or concerned that issue?

3 A. Not in my memory, no.

4 Q. Who would know that?

5 A. If there were an email or --

6 Q. Such a thing.

7 A. Whoever he sent it to. And I would have  
8 no knowledge of who that would be.

9 Q. All right. Obviously Chief Gramke had the  
10 opinion that Jason Davis did not have the necessary  
11 qualities for RENU and you agreed, as you say, with  
12 his decision.

13 Do you know of anyone else within the  
14 Hamilton County Sheriff's Department who agreed with  
15 that decision?

16 A. I didn't discuss it with anyone else.

17 Q. That wasn't my question. Do you know --

18 MR. SIMON: She was still answering.

19 MR. BRUNS: I know. But just for the  
20 record, Sheriff, I apologize --

21 THE WITNESS: Uh-huh.

22 MR. BRUNS: -- but I think this is  
23 taking longer. When I ask do you know of  
24 anyone, that's what I'm looking for. So I  
25 just want --

1                   THE WITNESS: Uh-huh.

2                   MR. BRUNS: -- I didn't mean to cut  
3                   you off, and I apologize, but --

4                   THE WITNESS: Yeah.

5                   MR. BRUNS: -- that's why I'm asking  
6                   a specific question.

7                  Q. Do you know of anyone within -- either  
8                  today or back in October of '23 -- anyone within the  
9                  Hamilton County Sheriff's Department who agreed or  
10                 agrees with your and Chief Gramke's decision  
11                 regarding Jason Davis?

12                 A. And I'd just like to state that when I do  
13                 expand on my answer, it's simply because I'm trying  
14                 to jog my memory as to -- to make sure that I answer  
15                 that correctly to my recollection. So the answer to  
16                 that is no.

17                 Q. Thank you. You made a point of saying  
18                 trust, responsibility, and secrecy are necessary for  
19                 RENU officers, correct?

20                 A. Yes, I did.

21                 Q. You would agree with me that trust,  
22                 responsibility, and secrecy are necessary qualities  
23                 for Hamilton County Sheriff's deputies in general?

24                 A. That's a fair statement, yes.

25                 Q. All right. And patrol officers on up,

1 corporal, all the way up, trust, responsibility, and  
2 secrecy are necessary to be employed at the Hamilton  
3 County Sheriff's Department, fair?

4 A. I'd say that's fair.

5 Q. All right. And before October 10 of 2023,  
6 including that date --

7 A. Uh-huh.

8 Q. -- were you aware of any -- did you have  
9 any knowledge that Jason Davis lacked the ability to  
10 be trusted, lacked the ability to be responsible, or  
11 he lacked the ability to maintain a secret; were you  
12 aware of any information like that?

13 A. No, I was not.

14 Q. Okay. And even including that day,  
15 October 10 of 2023?

16 A. Well, I was made aware of it there by the  
17 fact that the Chief Deputy stated that he didn't  
18 have the necessary qualities. So that is when I  
19 became aware that there was obviously some issues  
20 with this assignment.

21 Q. But as you've testified, Chief Gramke  
22 didn't elaborate, so you don't know if he was  
23 referring to trust, responsibility, and secrecy; you  
24 don't know --

25 A. Correct.

1 Q. -- if that's --

2 A. No.

3 Q. -- what he's referring to?

4 A. Right. No, I do not.

5 Q. Okay. So including that day, even after  
6 that meeting, you don't know if Jason Davis lacked  
7 the ability to be trusted, to be responsible, or to  
8 maintain secrets, correct?

9 A. Just let me understand the question. Even  
10 after that day?

11 Q. Sure.

12 A. Would that be when I became aware that he  
13 taped the meeting; is that. . .

14 Q. Let's start with just that day --

15 A. Okay.

16 Q. -- okay?

17 A. Okay.

18 Q. Through that day, through October 10,  
19 2023, you had no knowledge that he lacked any  
20 ability to be trusted, to be responsible, or to  
21 maintain secrets, correct?

22 A. Not to my knowledge.

23 Q. Okay. And then you say subsequent to that  
24 day --

25 A. Uh-huh.

1           Q. -- you learned that he taped that meeting,  
2 correct?

3           A. Yes.

4           Q. All right. And what did that information  
5 tell you?

6           A. Well. . .

7           Q. About Jason Davis. Because I think that's  
8 where you were going, so that's why I'm asking.

9           A. It's certainly a policy violation. It is  
10 indicative of someone who is willing to violate  
11 policy.

12          Q. Okay. What policy exists -- existed on  
13 October 10, 2023, that was violated?

14          A. So we specifically inserted in the policy  
15 that we were going to do away with the practice,  
16 which was pretty prevalent in the prior  
17 administration, of deputies secretly taping each  
18 other, you know, audiotape-taping each other.

19          Q. Okay.

20          A. I should say recording each other.

21          Q. Okay. During your tenure of the Hamilton  
22 County -- in the Hamilton County Sheriff's  
23 Department did you ever secretly record anyone else  
24 who was a member of the Hamilton County Sheriff's  
25 Department?

1 A. Never.

2 Q. Okay. Had anyone ever done that where you  
3 were one of the participants speaking but were  
4 unaware that you were being recorded?

5 A. Multiple times.

6 Q. Okay. And you said we made the policy.

7 Who is we?

8 A. Myself and the Chief Deputy discussed  
9 changing that policy. And we both agreed that for  
10 the betterment of the department to allow officers  
11 to -- really to just get along better and trust each  
12 other, we decided to insert that in the policy.

13 Q. Okay. If someone who didn't know they  
14 were being taped --

15 A. Uh-huh.

16 Q. -- was -- in fact was taped --

17 A. Uh-huh.

18 Q. -- and then denied that they said  
19 something that turns out they're lying because it's  
20 on the tape or they misremembered because regardless  
21 it's on the tape --

22 A. Uh-huh.

23 Q. -- then do you fault someone for taping?

24 MR. SIMON: Objection to the form of  
25 the question. Vague and ambiguous.

1                    You can try to answer.

2        A. There was no policy against it. So people  
3 could do it if they wanted to and they did.

4        Q. Okay. When did you find out that Jason  
5 Davis taped that October 10, 2023, meeting?

6        A. To my recollection he did an exit  
7 interview with -- then probably would have been  
8 maybe Marviette Johnson, who was our new HR person.  
9 And as I recall there was a mention in his exit  
10 interview that he had taped the meeting.

11      Q. All right. How did you find out that  
12 there was a mention in the exit interview?

13      A. It was in -- it was -- I review the exit  
14 interviews and it was in writing there.

15      Q. Okay. Go to Interrogatory -- the policy  
16 that you say was violated, when was that enacted?

17      A. We placed that in policy, as I recall,  
18 very early on. I mean, it was one of our first  
19 discussions.

20      Q. Do you know what policy number?

21      A. I couldn't say.

22      Q. Is it still the policy of Hamilton County  
23 Sheriff's Department?

24      A. Oh, yes.

25      Q. Okay.

1 A. Uh-huh.

2 Q. Is it something that you could look for  
3 and put your hands on?

4 A. I assume. Sure.

5 Q. Okay. If you go to Interrogatory No. 7 --

6 A. Uh-huh.

7 Q. -- it says, Please state all reasons why  
8 you prevented, or permitted Chief Deputy Gramke to  
9 prevent Jason Davis's promotion to corporal in 2023.  
10 And your answer, Neither Chief Deputy Gramke nor I  
11 prevented Jason Davis from a promotion to corporal.  
12 He did not stick around long enough and quit his  
13 employment with the Hamilton County Sheriff's  
14 Office. Did I read that accurately?

15 A. Yes.

16 Q. Okay. Is it your testimony that he was  
17 never prevented from a promotion to corporal and, in  
18 fact, it was just a matter of time that he would  
19 have been promoted?

20 A. Yes. He was on the list to be promoted to  
21 corporal. And I don't know all the exact time  
22 frames of how much longer that list was in fact in  
23 effect. I assume it was some time. So yes, I would  
24 say that he was eligible to be promoted.

25 Q. Okay. Well, if he was the next one man up

1 on the promotion list --

2 A. Uh-huh.

3 Q. -- at the time of this meeting on  
4 October 10 of 2023, it's your testimony that as long  
5 as that list was active --

6 A. Uh-huh.

7 Q. -- as soon as there was another spot that  
8 was open, Jason Davis would have gotten it but for  
9 the fact that he ended his employment?

10 A. Well, he would have been able to compete  
11 for it. We don't promise positions to people prior  
12 to the process.

13 Q. Okay.

14 A. I mean, we don't.

15 Q. What else would he have had to have done  
16 other than pass the test, be on the promotion list,  
17 and then be the next man up for an available  
18 opening?

19 A. So we have a rule of three that I -- that  
20 I instated -- initiated when I came on. And the  
21 rule of three is you take the top three that are  
22 next on the list. They -- they are then going  
23 through the process, interviews, et cetera, whatever  
24 that process is deemed to be. And then that  
25 recommendation of who is next to be promoted out of

1       that three, the recommendation of the top performers  
2       would be given to the Chief Deputy and, you know --  
3       and then the selection would be made. So that would  
4       be the process of getting to that next person on the  
5       list.

6           Q. All right. So if Jason Davis was the next  
7       man up, he already would have been part of that  
8       process in your rule of three, correct?

9           A. Correct. Yes.

10          Q. Who would have records of his interviews  
11        and things like that for potentially being promoted  
12        to corporal?

13          A. So that would be the selection committee.  
14        And, again, I don't, you know, have day-to-day  
15        knowledge of that level of who is exactly doing  
16        what, but I can tell you that our process is to, of  
17        course, do some due diligence and interview people  
18        and allow people to compete for the position.

19          Q. Who was in charge of the selection  
20        committee back then?

21          A. I could not tell you, sir.

22          Q. Was it Jay Gramke?

23          A. When you say the committee, he would not  
24        have been sitting in on the committee.

25          Q. Well, who was --

1           A. He would have gotten -- he -- in his  
2 position the procedure is he would have gotten the  
3 recommendation from the committee --

4           Q. Okay.

5           A. -- as to who they -- and they would have  
6 ranked --

7           Q. Sure.

8           A. -- those three people.

9           Q. Who maintains those records?

10          A. Again, I'm not sure. Someone in that --  
11 someone in that process, likely the ranking person  
12 that's in the selection process.

13           MR. SIMON: Tom, is this a good time  
14 for a break? We've been going about an  
15 hour.

16           MR. BRUNS: Yeah. Yeah. That works.

17           THE VIDEOGRAPHER: Off the record,  
18 11:24.

19           (A brief recess was taken.)

20           THE VIDEOGRAPHER: We are back on the  
21 record. This is Media 3 of today's  
22 deposition. The time is 11:51 a.m.

23 BY MR. BRUNS:

24           Q. Sheriff, we took another break and we're  
25 back on the record. When we left off, you were

1       testifying about corporal promotions, even if you're  
2       at the top of the list, if an opening comes up --

3           A.     Uh-huh.

4           Q.     -- then you have a rule of three and the  
5       top three people on the list have to go through  
6       interviews and that kind of thing, right?

7           A.     Correct. Yes, sir.

8           Q.     Okay. And then the final decision maker  
9       or makers for who is selected from the three  
10      candidates --

11          A.     Uh-huh.

12          Q.     -- are you the final decision maker?

13          A.     Typically I get the recommendation from  
14       the chief deputy. And unless there's any -- any  
15       issues brought to my attention as to why this  
16       wouldn't be a good selection, I say yes, that's  
17       good.

18          Q.     Okay. So Chief Gramke is the final step  
19       in the chain below you --

20          A.     Uh-huh.

21          Q.     -- and you accept his recommendation  
22       unless you have some reason not to?

23          A.     Correct. Yes.

24          Q.     Okay. And when we left off last time, you  
25       were talking about a policy of the Hamilton County

1 Sheriff's Department about not recording  
2 conversations among Sheriff's Office personnel.

3 A. Sure.

4 Q. Is that contained in the rules and  
5 regulations and disciplinary process of the Hamilton  
6 County Sheriff's Office?

7 A. I -- unless I read through that, I  
8 couldn't. . .

9 (Plaintiffs' Deposition Exhibit No.

10 27 was marked for identification.)

11 Q. I'm going to give you what's now been  
12 marked Exhibit 27.

13 A. Uh-huh.

14 Q. Can you identify that document for the  
15 record?

16 A. Yes. Yes. It's Rules, Regulations, and  
17 Disciplinary Process. It names me as the current  
18 Sheriff of Hamilton County. Yes.

19 Q. Okay. And is there anything in that  
20 document anywhere in there that specifically says  
21 that employees aren't supposed to record  
22 interactions with other employees?

23 A. I need to go through it, so. . .

24 Q. All right. Do we need to go off the  
25 record; do you want to --

1           A. Yeah. Because I'm going to have to read  
2 through this whole thing if you're asking me what's  
3 in it.

4           MR. SIMON: I mean, do you want me to  
5 point it out where it is?

6           MR. BRUNS: Why don't -- I'll do it  
7 at -- if she wants to do it at a lunch  
8 break. She's identified the document.

9           MR. SIMON: Okay.

10          MR. BRUNS: I'll come back to it.

11          MR. SIMON: Okay.

12          MR. BRUNS: All right.

13          Q. And then Sheriff --

14          A. Okay.

15          MR. Wiest: I mean, if Counsel knows  
16 where it's at --

17          MR. BRUNS: Sheriff, if you want to  
18 speed this process up, I'm okay with that.

19          MR. SIMON: Section 1.25.

20          THE WITNESS: Okay. I found it.

21          Q. Okay. And that policy says, An employee  
22 may not record another employee in the workplace,  
23 including off duty details and while working  
24 remotely, without the consent of all parties  
25 present, unless the recording occurs during the

1 course of an official investigation approved by the  
2 Sheriff and/or the Chief Deputy. This is inclusive  
3 of video recording and audio recording. Did I read  
4 that correctly?

5 A. Yes.

6 Q. All right.

7 A. Uh-huh.

8 Q. And you and/or the chief deputy can give a  
9 waiver from this rule, correct?

10 A. We could.

11 Q. Okay. So you and/or the chief deputy  
12 could record someone underneath you and not tell  
13 them because you've given yourself a waiver from the  
14 rule; is that fair?

15 A. No. No, we could not. No. That's not  
16 accurate.

17 Q. Okay.

18 A. We're bound by this policy as well. And  
19 if we were going to record someone, we would need to  
20 set the recorder on the table, explain to the  
21 employee that they would be -- that they're being  
22 recorded so that, again, just as this states,  
23 everyone understands.

24 Q. All right. You had mentioned that in your  
25 career this was a somewhat frequent thing in the

1 Sheriff's Department, that employees would do that.  
2 Had you ever had occasion where someone told you  
3 something and it turned out they weren't being  
4 truthful to you because somebody else had a  
5 recording proving that what they told you wasn't  
6 true; do you get what I'm saying?

7 A. I think I do. And not to my memory.

8 Q. You don't recall any?

9 A. State it again.

10 Q. Sure. Do you recall any situation where  
11 someone in the Sheriff's Department told you  
12 something --

13 A. Uh-huh.

14 Q. -- and it turns out that what they told  
15 you had actually been recorded by another employee  
16 and based on the recording what that person told you  
17 wasn't true, they had actually said the opposite in  
18 the recording?

19 A. You know, as you ask that, I think -- yes.  
20 I think that there was a -- back when I was the  
21 major of the jail, I'm pretty sure that was a  
22 situation that occurred.

23 Q. Sure. Do you recall a situation where you  
24 were upset at Jason Davis for something that you  
25 believed he was saying inaccurately because another

1 employee you told -- another employee told you that  
2 he did not tell Jason Davis X and then Jason Davis  
3 was able to prove that yes, that employee actually  
4 had said it because Jason Davis had a recording of  
5 that other employee; do you recall anything like  
6 that?

7 A. Yeah. I wasn't upset at Jason Davis. I  
8 do recall the incident. It was regarding the  
9 weight, height, and fitness policy for the Hamilton  
10 County Sheriff's Office.

11 Q. Right.

12 A. And as I understand, it was -- it actually  
13 linked back to a Deputy Pritchard -- I think I have  
14 his last name correct -- who was the person that it  
15 originated with.

16 Q. Right.

17 A. It was not Jason Davis.

18 Q. Right.

19 A. So. . .

20 Q. But I guess my question to you is, do you  
21 recall that because Jason Davis had a recording, you  
22 were able to conclude that he had been truthful all  
23 along about what he was saying?

24 A. I never heard the recording. I was told  
25 there was one.

1 Q. Okay.

2 A. But I never listened to it. No.

3 Q. But is your recollection of that whole  
4 incident that Jason Davis had been truthful the  
5 whole -- through the whole process?

6 A. I didn't doubt that he was truthful, which  
7 is why I didn't have to listen to the recording.

8 Q. Okay. Thank you. During the course of  
9 your career as sheriff are you aware of anyone who  
10 has been disciplined for a violation of the no  
11 recording policy? I'm going to call it the no  
12 recording policy.

13 A. During my tenure as sheriff I'm not --

14 Q. Yes.

15 A. -- I don't recall that anyone was.

16 Q. All right. And are you aware of anyone  
17 ever having been disciplined by the Sheriff's  
18 Department as a result of a violation of that  
19 policy?

20 A. Not while I was tenured and not while it  
21 was in policy that you can't do it.

22 Q. Who would have knowledge of that?

23 A. Of someone being disciplined for a  
24 recording?

25 Q. Sure. And the consequences.

1 A. Well, ultimately I would think I would.

2 It would be something that was disciplinary, so it  
3 would come through the chain of command.

4 And, again, I'm going to, you know, remind  
5 you that I don't have an explicit memory of  
6 everything that comes across my desk regarding years  
7 of, you know, memos and so forth.

8 Q. Okay. In terms of any discipline for a  
9 violation of that policy, what would you expect the  
10 discipline would be for someone with no disciplinary  
11 history, first-time offender?

12 A. Oh, it would be severe. Yes, it would.

13 Q. What's your basis for saying that?

14 A. My basis for saying that is because we  
15 have witnessed -- I have and many others have  
16 witnessed the chaos that it -- that it begins and  
17 starts within the ranks. You know, in a -- in any  
18 department or really any large organization you're  
19 always battling, you know, gossip and rumors and  
20 things that people -- you know, it destroys other  
21 people's lives, particularly when deputies, you  
22 know, record each other and then could possibly  
23 share that on Facebook. And I do know that there  
24 were a number of disagreements among the staff. And  
25 when I say disagreements, I mean like hurt feelings,

1 things like that.

2                   And perhaps I'll just say it like this, it  
3 is extremely detrimental to morale of your  
4 organization. That's really the crux of it as I  
5 talk about it. It's extremely detrimental to the  
6 morale of your organization.

7               Q. Okay. And as you sit here today you don't  
8 recall ever disciplining anyone for such a  
9 violation?

10          A. I don't know that a violation occurred,  
11 except for the one that I became aware of with Jason  
12 Davis.

13          Q. My question was you don't recall ever  
14 disciplining anyone for a violation?

15          A. No, I don't. I don't.

16          Q. All right. In terms of any discipline,  
17 what's your understanding of what the collective  
18 bargaining agreement requires in terms of any  
19 progressive discipline or anything like that?

20          A. Yeah. And that's outlined. Progressive  
21 discipline is a Level 1, Level 2, Level 3, and Level  
22 4. And Level 4 being the most severe in the  
23 simplest ways to describe it. Level 4 being the  
24 most severe and that will restrict you from  
25 promotions, special assignments, road patrol

1 academies, things like that. And Level 4 is  
2 certainly suspensions from work without pay. That's  
3 also encapsulated with Level 4. People can be  
4 demoted because they've reached a Level 4  
5 discipline.

6 Q. Okay. But go back to my question, a  
7 violation of the no recording policy, an officer who  
8 has no prior history of discipline, what limits your  
9 ability to discipline under the collective  
10 bargaining agreement; would you have to start with a  
11 Level 1 discipline?

12 A. No. Discipline -- discipline at -- you  
13 know, choosing what level of discipline of a  
14 particular employee may be at -- you know,  
15 administration also has to take into account the  
16 severity of the action. As I stated, the -- you  
17 know, the -- you know, the fallout from whatever it  
18 is they did, how serious it is, what they did, what  
19 it can do to your organization, the way that it can  
20 seriously affect morale, or really even someone's  
21 personal decision to take their own life, and I  
22 think that because of that it's a very, very serious  
23 violation.

24 Q. Okay. So to you it would be a Level 4?

25 A. Yes, sir, it would.

1 Q. Okay. In terms of officers in the  
2 Hamilton County Sheriff's Department who are members  
3 of the union, they have a right to grieve a decision  
4 like that?

5 A. Oh, they would.

6 Q. Okay. And ultimately who would have the  
7 last say on that?

8 A. Well, I'm certain it would go to  
9 arbitration and so an arbitrator would really have  
10 the last say.

11 Q. Okay. Thank you. In your experience has  
12 an arbitrator ever reduced the level of punishment  
13 that you imposed -- the level of discipline that you  
14 imposed?

15 A. That I imposed?

16 Q. Yeah. Do you recall?

17 A. Not to my knowledge.

18 Q. All right. But they can?

19 A. Yeah. They certainly have the authority  
20 to do that.

21 Q. Okay. Go to Interrogatory No. 9, page 17.  
22 Yeah, back on Exhibit 24. Sorry.

23 A. Okay. Sure.

24 MR. BRUNS: Oh, and just for  
25 housekeeping, let's do one more exhibit

1 here.

2 (Plaintiffs' Deposition Exhibit No.

3 26 was marked for identification.)

4 Q. I'm handing you what's been marked as  
5 Exhibit 26. What is that?

6 A. So this is a social media policy signed by  
7 Jim Neil. And it says it's -- the effective date --  
8 it went into effect February 4, 2014.

9 Q. Okay. That doesn't have anything to do  
10 with recording or not recording, that's just  
11 strictly about social media?

12 A. Correct.

13 Q. All right. Thank you. Go to Exhibit 24,  
14 page 17.

15 A. Yes.

16 Q. Interrogatory No. 9. It says, Please  
17 state all reasons why you tried to get Jason Davis  
18 to regulate or attempt to regulate the online speech  
19 of Jennifer Davis. And your answer to that was, I  
20 did not try to regulate anyone's speech. I said she  
21 can do whatever she wants. Did I read that  
22 correctly?

23 A. That's right.

24 Q. All right. And putting aside the precise  
25 words about trying to regulate anyone's speech, did

1 you in any way suggest to Jason Davis that he should  
2 talk to his wife about her online social media  
3 activity?

4 A. We had a very far-reaching conversation,  
5 as I recall. And I do believe there were times in  
6 that conversation where his wife was referenced.  
7 And as I recall, referencing his wife to assess how  
8 happy he was on the job, you know, if he was  
9 satisfied with working for the Sheriff's Office, if  
10 he was happy there.

11 Q. I don't understand your answer. Ask his  
12 wife to assess --

13 MR. SIMON: I'm sorry, Mr. Bruns. I  
14 think she was still answering.

15 MR. BRUNS: Oh, I apologize. I  
16 didn't mean to cut you off.

17 A. So in that way, you know, if my memory  
18 serves me correctly, you know, I did state she can  
19 do whatever she wants. Now, that may not be the  
20 exact wording. But obviously she can -- you know,  
21 anybody's wife can do whatever they want. They're  
22 not an employee of the Hamilton County Sheriff's  
23 Office.

24 I do believe that his wife came up in the  
25 conversation regarding speech just because I said

1 are you happy -- I mean, are you happy here, does  
2 your wife support your employment -- I mean,  
3 because, you know, we run across guys that, you  
4 know, their wives are -- they don't want them  
5 working there because of third shift or lots of  
6 different reasons and, you know, they're never home  
7 and things like that. So I was assessing -- yeah.  
8 And in that conversation I'm certain I did say your  
9 wife has the ability to do whatever she likes.

10 Q. Okay. Maybe you misunderstood my  
11 question. I'm asking you specifically --

12 A. Yes.

13 Q. -- did you say anything along the lines of  
14 you need to talk to your wife or you need to have  
15 your wife tone down or not communicate on social  
16 media in the way she's been?

17 A. I have no recollection. I have no  
18 recollection of that because I don't recall. I  
19 don't recall.

20 Q. And there's no reason you would have said  
21 anything like that; is that fair?

22 A. Again, I don't recall. So I can't even  
23 speak to any reason I would have said or did not say  
24 that, so I don't recall.

25 Q. Okay. Let's go back to our conversation

1 that we had before. What reason as Sheriff of the  
2 Hamilton County Sheriff's Department -- what reason  
3 would you ever have to tell a deputy tell your wife  
4 to stop posting on social media?

5 A. First of all, again, I don't -- you know,  
6 I'm not going to make something up out of the air.  
7 I'm answering questions on a factual basis of what I  
8 said or didn't say, what my memory is of what I said  
9 or didn't say. I cannot, you know, pick some  
10 hypothetical out of the air and say this is why or  
11 what.

12 Q. Again, with the caveat that she's not  
13 posting anything confidential, learned in secrecy  
14 from the Hamilton County Sheriff's Department, you  
15 would have no reason to ever tell a deputy to be  
16 concerned about what their wife is posting on social  
17 media, fair?

18 MR. SIMON: Object to the form of the  
19 question. Asked and answered.

20 A. You're asking me to hypothesize and I  
21 can't. I simply can't. I can't say what could be,  
22 what should be, what -- you know, in a hypothetical  
23 situation. That's not something that I can -- that  
24 I can truthfully answer.

25 Q. As you sit here today you cannot think of

1 a single situation, excluding the disclosure of  
2 confidential or secret information from the Hamilton  
3 County Sheriff's Department -- excluding that, you  
4 can't think of a single situation where you would  
5 tell a deputy you need to be concerned about what  
6 your wife is posting on social media, fair?

7 MR. SIMON: Objection to the form.

## 8                      Asked and answered.

9           A. There may be a situation where I could say  
10          that. But at this point in time I'm not going to  
11          make something up. I mean, there may be a  
12          situation. But what that situation is, who it  
13          involves, when it would happen -- I mean, you know,  
14          you're asking me to state my opinion on a complete  
15          hypothetical, and I honestly cannot do that.

16 Q. All right. Go to Interrogatory No. 10 on  
17 page 18.

18 A. Yes.

19 Q. It says, With respect to Jason Davis's  
20 Facebook post about the football game, please state  
21 all reasons why you punished him for that post.  
22 Answer, Jason Davis was not punished for any post  
23 about a football game. true?

A. To my recollection, yes, that's true.

25 Q. And that's because nothing he said or did

1 about that football game merited him being punished;  
2 is that fair?

3 A. So I didn't even understand what he was  
4 talking about about the football game. I didn't  
5 have any idea. I couldn't even understand why a  
6 football game would be an issue, what football game,  
7 where, when. I mean, honestly that just hit me out  
8 of the blue. I have no idea.

9 I recall him saying that obviously in the  
10 meeting being very adamant about it. But I was  
11 completely surprised and unaware. I didn't even  
12 know what he was talking about.

13 MR. BRUNS: Read my question back.

14 THE COURT REPORTER: Sure.

15 "And that's because nothing he said  
16 or did about that football game merited  
17 him being punished; is that fair?"

18 MR. SIMON: Object to the form of the  
19 question. You can show her the post.

20 MR. BRUNS: I can ask the question as  
21 well and I did.

22 Q. Sheriff, could you answer my question?

23 A. Okay. So. . .

24 Q. As far as you're aware -- I'm only asking  
25 about your knowledge, right?

1 A. Okay. Right.

2 Q. You swore to tell the truth, fair?

3 A. Yes. Correct.

4 Q. And you're only to give me answers based  
5 on your personal knowledge, fair?

6 A. Correct.

7 Q. Okay. Based on your personal knowledge  
8 are you aware of anything Jason Davis said or did  
9 about that football game that merited punishment?

10 A. I didn't even know there was a football  
11 game, sir. So the answer to that would be not to my  
12 knowledge.

13 Q. Thank you. And in terms of the football  
14 game, is it your understanding that it was a charity  
15 event to raise money for families of fallen officers

16 --

17 MR. SIMON: Objection to form.

18 Q. -- if you know?

19 MR. SIMON: Lack of foundation.

20 You can answer.

21 A. I had no knowledge of the football game.  
22 No knowledge surrounding it. I learned after the  
23 fact -- long after the fact of it being brought up  
24 in this meeting of what the football game was even  
25 about.

1 Q. And do you now have an understanding of --

2 A. No, I don't. I still don't.

3 Q. Okay. Could you go to page 23 of --

4 A. Sure.

5 Q. -- that document, Exhibit 24. And do you  
6 see -- Document Request No. 3 says, Produce all  
7 documents that constitute evidence, tend to  
8 evidence, support, refute, tend to refute, refer to,  
9 or relate in any way to the claims made in the  
10 complaint or your answer or defenses raised thereto.

11 And then the response was, See file entitled  
12 McGuffey Interrogatories and Request to Produce.

13 Did I read that correctly?

14 A. Yes.

15 Q. All right. And I'll represent to you that  
16 Exhibits 26 and 27 were not provided as a response  
17 to that, okay? They were just provided to us just  
18 now --

19 A. Oh, okay.

20 Q. -- all right?

21 A. All right.

22 Q. Do you know if Exhibits 26 or 27 -- if  
23 either of those exhibits are documents that evidence  
24 or support any defense of the defendants in this  
25 case; do you know?

1                   MR. SIMON: Objection to form. That  
2                   calls for a legal conclusion. She's not a  
3                   lawyer.

4                   Go ahead and answer.

5                   A. Yeah, I really would have no idea. No, I  
6                   do not know.

7                   Q. All right. Thank you. Could you go to  
8                   page 26 --

9                   A. Yes.

10                  Q. -- or actually 25 is the question.

11                  A. Sure.

12                  Q. It says, With the exception of  
13                  communications with counsel covered by the  
14                  attorney-client privilege, produce a copy of any  
15                  text message, email, or other document that in any  
16                  way reflects or relates to either of the Plaintiffs,  
17                  the October 10, 2023, interaction between Plaintiff  
18                  Jason Davis and Defendants McGuffey and Gramke,  
19                  Jason Davis's RENU transfer in 2023, and/or Jason  
20                  Davis's promotion to corporal in 2023. Did I read  
21                  that accurately?

22                  A. Yes.

23                  Q. All right. And then in response you say,  
24                  I do not have any text messages, emails, or other  
25                  document that reflect or relate to either of the

1 Plaintiffs, the October 10, 2023, interaction  
2 between Plaintiff Jason Davis and Defendants  
3 McGuffey and Gramke, Jason Davis's RENU transfer in  
4 2023, and/or Jason Davis's promotion to corporal in  
5 2023. Did I read your answer correctly?

6 A. That's correct.

7 Q. All right. And what I noticed in the  
8 other answers to the other document requests, it  
9 generally says no document exists or no document was  
10 located, all right?

11 A. Uh-huh.

12 Q. And my question to you is, as I read your  
13 answer to Document Request No. 11 you personally  
14 don't possess any document responsive to that  
15 request; is that a fair characterization?

16 A. That would be correct, yes.

17 Q. All right. What did you do to have the  
18 proper person within the Hamilton County Sheriff's  
19 Department search in order to answer Document  
20 Request No. 11; what, if anything, did you do --  
21 because you can answer for your own communications.

22 What did you have -- what did you do to  
23 have someone within Hamilton County Sheriff's  
24 Department search to see if any such documents  
25 exist, could be located?

1           A. Well, what I do know of Jessica Kober's  
2 job -- again, that she has been long tenured in  
3 collecting documents and answering, you know, legal  
4 discovery things like this -- is that she -- and  
5 this is my knowledge, she can in emails -- you know,  
6 you can search by typing up particular words.

7           Then any emails that connect throughout  
8 the department would be -- you know, would be  
9 collected as far as text messages -- I mean, I did  
10 not work with Jessica personally on collecting these  
11 documents. If I'm asked to produce, if I have a  
12 document, I would produce it. If I don't, then I  
13 state just what I apparently stated here, which is I  
14 don't have anything like that.

15          Q. All right. So you didn't talk to Jessica  
16 about what she should do in order to locate  
17 documents responsive to Document Request No. 11; is  
18 that fair?

19          A. Right. No. Yeah.

20          Q. Okay.

21          A. I would have no reason to do that.

22          Q. And you didn't talk to anyone within the  
23 department about what they needed to do to attempt  
24 to locate documents responsive to Document Request  
25 No. 11; is that true?

1 A. To my knowledge I -- that's my memory.

2 Q. All right. And then your response was  
3 specific. In other answers it says no document  
4 was -- no documents were located, right? Here it's  
5 I do not have. You made it very specific.

6 Did you take any steps to ensure the  
7 accuracy of that statement, that you personally do  
8 not have any text messages, emails, or other  
9 document that reflect or relate to any of the  
10 categories that are listed?

11 A. So I'm just -- if I may just go back to  
12 the actual question --

13 Q. Sure. Please do.

14 A. -- on page 25. With the exception of  
15 communications with counsel covered by the  
16 attorney-client privilege, produce a copy of any  
17 text message, email, or other document that in any  
18 way reflects or relates to either the Plaintiffs,  
19 the October 10, 2023, interaction between the  
20 Plaintiff Jason Davis and Defendants McGuffey and  
21 Gramke, Jason Davis' RENU transfer, or Jason Davis'  
22 promotion to corporal.

23 So it's asking me the question of -- it's  
24 asking me to produce that and --

25 Q. Anything related --

1 A. -- I didn't have anything to produce.

2 Q. And my question was, what did you do to  
3 make that determination?

4 A. Well, I would have checked my text  
5 messages of which there are none that refer to Jason  
6 Davis. I know absolutely that I did not write any  
7 emails regarding Jason Davis. Any document  
8 regarding Jason Davis that I read or had possession  
9 of is the -- after the fact with the exit interview,  
10 the -- and the complaint as I recall.

11 Q. Okay. Did you run a search on your email?

12 A. No, I did not. I don't know how to do  
13 that quite frankly.

14 Q. Did you ask someone to do it for you?

15 A. Jessica Kober would be doing the searches  
16 for the email.

17 Q. Do you know -- well, number one, you told  
18 me you didn't talk to her about it. So you didn't  
19 ask her to run the search appropriate to elicit  
20 documents responsive to Document Request No. 11; you  
21 did not ask her to do that on your email, fair?

22 A. I don't manage Jessica Kober's day-to-day  
23 activity. I'm not her direct supervisor. We have  
24 an organization that's 900 strong. My job is to  
25 communicate through the chain of command, through

1 the in-house attorney, Pete Stackpole, as to the  
2 collection of any inquiry --

3 MR. SIMON: Let me stop there. You  
4 mentioned Mr. Stackpole. I don't want you  
5 to disclose any attorney-client  
6 communication.

7 THE WITNESS: Thank you.

8 MR. SIMON: And I'd point out,  
9 Counselor, that is specifically excluded  
10 in No. 11. And you've repeatedly asked  
11 her if she talked to --

12 MR. BRUNS: Jessica.

13 MR. SIMON: She's identified Jessica,  
14 but then you've said have you talked to  
15 anybody --

16 MR. BRUNS: Again, I make -- for the  
17 record, so I'm clear, I'm not asking about  
18 conversations with counsel ever in any of  
19 my questions.

20 MR. SIMON: I understand. But you've  
21 repeatedly asked her, well, have you  
22 talked to anybody.

23 MR. BRUNS: Well, that wasn't even my  
24 question.

25 BY MR. BRUNS:

1 Q. My question was, did you have a  
2 discussion -- did you instruct Jessica to search  
3 your email for documents responsive to Document  
4 Request No. 11?

5 A. I personally did not, no.

6 Q. Okay. And so you don't know if she did  
7 that?

8               A.     I can answer that question with a no, I do  
9 not know

10 Q. All right. And in terms of any other  
11 document that might reflect or relate to the  
12 categories in Document Request No. 11, what efforts  
13 did you make to search for such documents?

14           A.     As I said, I checked my text messages and,  
15        you know, that -- I didn't -- I know I didn't have  
16        any emails because I didn't -- I know I didn't. I  
17        didn't -- I would remember writing an email and  
18        having sent it off to someone had I done that, so --  
19        but text messages referencing, et cetera, I don't  
20        have any.

21 MR. BRUNS: All right. This is just  
22 copies of the complaint.

23 (Plaintiffs' Deposition Exhibit No.  
24 25 was marked for identification.)

25 O. Sheriff, I'm going to hand you what's now

1 been marked as Exhibit 25 -- Plaintiffs' Exhibit 25.

2 A. Uh-huh.

3 Q. Take a moment and look in that and is that  
4 a copy of the complaint you reviewed?

5 A. It appears to be.

6 Q. All right. And I'm going to go through  
7 this complaint with you, because I want to know your  
8 personal knowledge, all right?

9 A. Uh-huh.

10 Q. And so in paragraph No. 1 I'm not talking  
11 about any sort of conclusions. I'm talking about a  
12 factual statement, for instance, where it says his  
13 wife, referring to Jason Davis -- his wife, Jennifer  
14 Davis, Jennifer, made public posts to social media  
15 critical of certain policies of Sheriff Charmaine  
16 McGuffey and liked certain social media posts made  
17 by Caroline Adams that were pro-law enforcement, but  
18 critical of certain policies of Sheriff McGuffey.

19 Do you see where I read that in paragraph 1?

20 A. I do.

21 Q. Okay. I'm talking about statements like  
22 that. Do you have any personal knowledge that any  
23 of those factual statements in paragraph 1 are  
24 false? And I'm not asking about things you say,  
25 well, I don't know one way or the other. I'm saying

1 that you have personal knowledge that they're false.

2 A. I don't have any personal knowledge --

3 Q. Okay.

4 A. -- that they're -- that they're false.

5 Q. All right. Go to paragraph 2.

6 A. Okay.

7 Q. It says, Jason then had a meeting with  
8 Gramke and McGuffey in October 2023 to address this  
9 retaliation. Now, I'm going to assume that, again,  
10 retaliation is a conclusion. You would disagree  
11 that there was any retaliation, fair?

12 A. I would say that's fair.

13 Q. Okay. In terms of any factual statements  
14 in there, are you -- do you have any personal  
15 knowledge that any of those factual statements are  
16 false?

17 A. Okay. So you're asking me to review?

18 Q. Paragraph 2.

19 A. Paragraph 2. Okay. So give me a moment,  
20 please.

21 Q. Sure. Please take a moment.

22 MR. SIMON: You might give her a  
23 chance to review paragraph 1 as well.

24 A. Yeah, I did not realize that paragraph 1  
25 extended, by the way, to page two. I just thought

1 it was completed there on page one.

2 Q. All right. Take your time.

3 A. Okay. I've read two. I have not  
4 completed one. Can we just address two and then I'm  
5 happy --

6 Q. Sure.

7 A. -- to go back to one?

8 Q. Go ahead and address two.

9 A. Okay. So I've read it.

10 Q. And is there any statement in paragraph  
11 two that you say I have personal knowledge that's  
12 false?

13 A. Oh. It's absolutely false that I  
14 specifically told Jason he needed to end his  
15 20-year-plus marriage. That's completely false.

16 Q. Okay. Anything else?

17 A. And I did not tell Jason that the actions  
18 were solely based on some protected speech  
19 activities, you know, in specific, you know, mostly  
20 directed to his wife's media post. I referenced  
21 them, I'm sure. But I certainly did not tell Jason  
22 that because of his wife's -- which is what I  
23 gleaned from this, because of his wife's social  
24 media posts, I told him to specifically end his  
25 marriage.

1 Q. Okay.

2 A. I absolutely did not say that.

3 Q. All right. Did you say anything that  
4 would have implied that you -- he needed to consider  
5 cutting ties with his wife, dissociating himself  
6 from his wife; did you say anything like that or  
7 imply that?

8 MR. SIMON: Object to the form of the  
9 question. Vague and ambiguous.

10 You can try to answer.

11 A. I absolutely did not intend to imply that  
12 he end his marriage, no. I absolutely did not.

13 Q. Or cut ties with his wife?

14 A. Or cut ties with his wife.

15 Q. All right.

16 A. Correct.

17 Q. If you could go to --

18 MR. SIMON: Are we going back to  
19 paragraph one, Tom?

20 Q. Oh, yeah.

21 A. Yeah. I didn't realize that there was a  
22 second page on that.

23 Q. Sure.

24 A. So give me a moment, please.

25 Q. Yeah. Take a moment.

1           A.     Okay.   What's the question about No. 1  
2   then?

3           Q.     Sure.   I understand, you know, the  
4   conclusion of retaliation, you disagree with that,  
5   all right, but is there any factually false  
6   statement in paragraph two that you say I have  
7   personal knowledge and I know that is not a true  
8   statement as a factual matter?

9           A.     So it is factual that I took no  
10   retaliatory measures against Jason because of a post  
11   that he would have made regarding the Remember the  
12   Fallen.   It is a fact that I did not deny a  
13   promotion to him in retaliation for that post or  
14   anything surrounding that post.

15               And, in fact, I -- the -- I take issue  
16   with the -- it's not stated here, but the assumption  
17   that we were trying to create an early expiration  
18   date for the promotion list that he was currently  
19   on.   So I take issue with that as well.

20           Q.     You're saying factually that's not a true  
21   statement?

22           A.     It's not a true statement.

23           Q.     Okay.   And just so we're clear, is it your  
24   testimony that at no time did you ever discuss with  
25   anyone in the Hamilton County Sheriff's Department

1 any sort of early termination of the promotion list  
2 that Jason Davis was on for the corporal position?

3 A. The current promotion list stood. The  
4 time frame that the current promotion list had been  
5 granted could not be changed and, in fact, should  
6 not be changed. What happened subsequent to this,  
7 to my knowledge, that I have knowledge of, is that  
8 we determined as an administration that we would  
9 negotiate with the union to reduce that list  
10 expiration date to one year is my knowledge, maybe a  
11 year and some months, but I believe it was like one  
12 year.

13 And the purpose of that had absolutely  
14 nothing to do with Jason Davis. His list was not  
15 considered a part of that. It wasn't a part of that  
16 negotiation. We negotiated that for reasons that  
17 our administration felt were important for the  
18 betterment of the organization.

19 Q. So at no point did you ever talk to anyone  
20 in the Hamilton County Sheriff's Department or the  
21 union -- anyone about shortening the lifespan for  
22 lack of a better word of the promotion list for  
23 corporal that Jason Davis was on?

24 MR. SIMON: Objection to the form of  
25 the question. I think it's vague and

1                   ambiguous.

2                   You can try to answer.

3                 A. I don't recall having any conversation  
4                 about shortening a promotion list for Jason Davis.

5                 Q. Or a list that he was on?

6                 A. Or any -- or a list that he -- that I knew  
7                 he was currently on, which was the promotion list  
8                 for corporal.

9                 Q. Could you go to paragraph 10.

10                A. Uh-huh.

11                Q. Is there any statement in paragraph 10  
12                that you say factually that's false?

13                A. Oh, not page 10. I'm sorry.

14                Q. No. Paragraph 10.

15                A. Sorry.

16                Q. I apologize if I said page 10.

17                A. No, no, you didn't. I just misunderstood.  
18                There's nothing in paragraph 10 that I would say is  
19                false.

20                Q. Okay.

21                A. So, yeah, to my knowledge, yes, these are  
22                things that are true.

23                Q. All right. Same question for paragraph  
24                11. I'm going to ask you the same question about  
25                the paragraphs we're going to go through. So --

1 A. Sure.

2 Q. -- if you have personal knowledge that  
3 something is false, that's what I want you to tell  
4 me.

5 A. Of course.

6 Q. Because that means you could be a witness  
7 to testify about it.

8 A. Yes. Yes. Okay. So I don't have any  
9 personal knowledge of No. 11.

10 Q. All right. How about No. 12?

11 A. Factual?

12 Q. Yes.

13 A. Yes. Yes.

14 Q. All right. I'm only asking is there  
15 anything that you would say is not a true statement,  
16 that's factually false. So there isn't anything  
17 that you can say I don't see anything that I would  
18 say is false.

19 A. Okay.

20 Q. All right. How about 13?

21 A. I don't see anything that is factually  
22 false.

23 Q. All right. How about paragraph 14?

24 A. I don't have any knowledge of it to say  
25 whether it's factual or not, so. . .

1 Q. Okay. Same for 15?

2 A. I don't have any knowledge whether that's  
3 factual or not.

4 Q. All right. Paragraph 16, same question?

5 A. So let me just qualify this answer,  
6 because I wouldn't know Caroline Adams if I bumped  
7 into her on the street, so -- but that is the name  
8 that has -- that I do know has been associated with  
9 criticism of me. This direct criticism here that's  
10 quoted, I have no knowledge of that.

11 Q. And you don't know -- you don't have any  
12 personal knowledge to say that it's not true, she  
13 doesn't go by Chaz the Anti-Sheriff or Itsa Krakken;  
14 as far as you know that's accurate, you don't know  
15 one way or the other?

16 A. I don't.

17 Q. Okay. And that's what I'm looking for --

18 A. Yeah.

19 Q. -- if you can say nope, that's false, I  
20 know it's false, here's what's false --

21 A. Right.

22 Q. -- about it. That's what I'm looking for.

23 A. Okay.

24 Q. Paragraph 17, same question, is there  
25 anything in here that you would say is absolutely

1       false and I know that because I have personal  
2       knowledge about it?

3           A.     So there's a number of false things in  
4       this paragraph.

5           Q.     Let's take them one by one.

6           A.     Sure.

7           Q.     What's the first false thing?

8           A.     So the first false thing is I object to  
9       her or whoever wrote this, the statement of  
10      irresponsibly. I object to that statement. It's  
11      false.

12          Q.     Okay.

13          A.     The next is --

14          Q.     Well, let's take them one by one.

15          A.     Okay.

16          Q.     Yeah, I'll move on. But I have some  
17      questions since you say it's false, all right?

18          A.     Yes.

19          Q.     All right. Do you agree that you left a  
20      loaded firearm in your car in 2021?

21          A.     I did.

22          Q.     All right. And your firearm was stolen  
23      along with your county vehicle, correct?

24          A.     Correct.

25          Q.     All right. And your firearm was left in

1 your glove compartment locked; is that true?

2 A. Correct.

3 Q. All right. And it was in your driveway at  
4 home when it was stolen; is that true?

5 A. That's correct.

6 Q. All right. So what do you -- what's your  
7 disagreement in terms of irresponsibly leaving your  
8 loaded firearm in your car; where do you say it  
9 was -- it's false, it was not irresponsible of me?

10 A. First of all, there are policies that do  
11 allow people who carry firearms, particularly long  
12 guns and things like that, to have them locked in  
13 their vehicles, you know, stored in their vehicles  
14 in a locked way. I was not irresponsible given the  
15 fact that it is my responsibility to make sure that  
16 no one, including children, would accidentally in  
17 some way get my firearm, put their hands on it.

18 So we -- I had had a call out just that  
19 evening. I got home from my call out late. My  
20 house -- we had -- we were moving literally. It was  
21 like the second day of the move. And my house was  
22 filled with family members and kids and people  
23 coming and going. And I think even one or two of  
24 the moving people were still left doing a few  
25 things. And I did not feel comfortable at all

1 bringing my firearm into that house. Of course  
2 things were set all about. My safe that I normally  
3 would, you know, put my firearm in is -- I'd have to  
4 find it, first of all. There's boxes and everything  
5 stacked all around.

6 So I determined that the best place to  
7 keep my firearm safe was to lock it inside my  
8 vehicle, and that is why I did that, because I just  
9 couldn't count on the fact that -- you know, I  
10 didn't want to walk into all that chaos and somehow  
11 set my firearm down or think I had put it up on  
12 something that the kids couldn't get to. It just  
13 was -- it just was not in the question. I could not  
14 bring it in the house.

15 Q. Well, let me ask you this. When you went  
16 to bed that night, were the movers still there?

17 A. The kids were still there.

18 Q. Okay. Were the movers still there?

19 A. No. They had left.

20 Q. Okay. And when you went to bed that  
21 night, you could have taken the time to locate your  
22 safe and put your loaded firearm in your safe; is  
23 that fair?

24 A. No. That's not fair at all.

25 Q. Why?

1           A.     Because there was boxes and boxes of  
2     things piled around. Obviously I took my long  
3     guns -- my long guns, I took those and secured those  
4     at my nephew's house so there would literally be no  
5     weapons moved around in that house. So I emptied my  
6     gun safe that I have, which was the weapon I was  
7     wearing, and that got moved along with everything  
8     else. And I have no idea until I have some hours to  
9     go through and find it to make sure that I have it  
10    and it's secured and so forth.

11           So I was not going to sleep with my  
12    firearm under my pillow or strapped to my side. I  
13    was going to secure it in my car in the locked glove  
14    compartment as is allowed by policy.

15           Q.     How big was your gun safe back then, the  
16    one that had the long guns?

17           A.     Oh, the one for the long guns? I did not  
18    have those in a safe. That's why I took them to my  
19    nephew's house.

20           Q.     Okay. Well, after this incident did you  
21    ever keep your loaded firearm locked in your glove  
22    compartment overnight?

23           A.     No.

24           Q.     You always made sure that it was put in a  
25    safe inside?

1           A. Well, because it's just myself and my  
2 wife, I typically don't have to lock it up. I'll  
3 put it on the bed stand next to me. That's the way  
4 I sleep.

5           Q. Okay. But you stopped leaving it in the  
6 locked glove compartment of your car after this  
7 incident; is that fair?

8           A. Well, I never did do that. That was a  
9 very unusual thing for me to do. I never stored my  
10 weapon in my car, in my vehicle ever. And I did it  
11 that night because, as I said, the circumstances  
12 were I felt that was the safest place for it and I  
13 knew that policy allowed it.

14          Q. So the one time in your life you did it,  
15 it was just bad luck, your car got stolen; is that  
16 your testimony?

17          A. Absolutely, sir.

18          Q. What was the next thing you said you  
19 disagreed with factually, because you have personal  
20 knowledge that it's not true?

21          A. So the reference to my spending time at a  
22 bar and -- not that, that was factual -- that I  
23 directed a statement you can suck my D at a  
24 Covington Police Officer. That is absolutely not  
25 factual. That is a lie.

1 Q. Okay. You never said anything like  
2 that -- those words?

3 MR. SIMON: Let me just object to the  
4 line of questioning. It's relevant -- not  
5 relevant.

6 You can go ahead and answer.

7 A. I absolutely did not say it.

8 Q. Okay. Are you aware --

9 MR. SIMON: Tom, can I just have a  
10 continuing objection if you're going to  
11 probe --

12 MR. BRUNS: On relevance, you may,  
13 yes.

14 MR. SIMON: -- on each of these  
15 incidents it sounds like you're going to  
16 ask her about in No. 17, yes. Thank you.

17 Q. Are you aware -- at any point did you  
18 become aware that it was alleged by the Covington  
19 Police Officer that you said words to that effect?

20 A. Oh, I know it was alleged. I understand  
21 it was alleged. It doesn't make it true. It didn't  
22 happen.

23 Q. Okay. So the officer was lying about you?

24 A. Absolutely. He lied about a number of  
25 things.

1           Q.    Okay. All right. Was there anything else  
2   in that paragraph that you say is factually false,  
3   not true?

4           A.    So the reference to a September 20th  
5   incident in which I was alleged to have been drunk  
6   driving, that is a lie. Video supposedly I guess  
7   posted by this person -- and I don't know if it's --  
8   if it's saying that the video posted is me alleged  
9   to have been drunk driving, but it's absolutely  
10   false.

11          Q.    Okay. Do you know -- you're saying it's  
12   absolutely false I was not drunk driving; is that  
13   your testimony?

14          A.    That's absolutely correct.

15          Q.    But you're not disputing that body cam  
16   video of you was posted by Adams?

17          A.    There was a body cam video that was posted  
18   because I got pulled over for speeding.

19          Q.    All right. And you're not disputing that  
20   there were allegations -- you weren't charged in  
21   that incident, but people were saying you appeared  
22   drunk on the video?

23          A.    That's absolutely ridiculous. I have to  
24   say it. It's absolutely false. It's a lie. There  
25   was never a dispute as to whether I was driving

1 drunk. That's -- it's a lie. It's an absolute lie.

2 Q. And no one alleged that?

3 A. No one alleged that.

4 Q. Okay. All right. What else, if anything?

5 A. So there's a reference here to some prior  
6 acts of dishonesty and my being on the Brady list.

7 Those are false. And I guess we can take those.

8 Q. Sure. So first of all, a prior act of  
9 dishonesty.

10 A. Uh-huh.

11 Q. Is it your testimony that you never acted  
12 dishonestly in any way during your career with the  
13 Sheriff's Department?

14 A. That's 100 percent correct.

15 Q. Okay. And has anyone in the Sheriff's  
16 Department ever conducted any investigation where it  
17 was in fact determined that you had been dishonest?

18 A. It was never determined that I was  
19 dishonest. It was alleged.

20 Q. Well, I'm going to -- let's be specific.

21 Was there ever a finding of you being dishonest -- a  
22 finding that was sustained?

23 A. No, there wasn't.

24 Q. Okay.

25 A. There was no hearing. There was no -- no

1 evidentiary, no fact-finding, no anything.

2 Q. Okay.

3 A. It was an allegation that was included  
4 among many allegations, and it is false.

5 Q. And no unit, agency, department of the  
6 Hamilton County Sheriff's Department, including  
7 Internal Affairs -- no one ever sustained a finding  
8 that you had been dishonest?

9 A. It was not sustained, because I was not  
10 given any due process. There was never any -- there  
11 was never any, you know, finding of that in any  
12 factual way. It was an assertion. It was a -- it  
13 was alleged. It was an allegation.

14 Q. And the allegation was based on interviews  
15 with a number of Hamilton County Sheriff employees  
16 who contradicted you and said that you were not  
17 being truthful, fair?

18 A. No, that's not fair. It was -- that  
19 allegation was made simply because the investigator  
20 that interviewed me made that assertion from an  
21 answer that I had regarding a conversation I had  
22 with a captain regarding -- hang on, I'll think of  
23 it -- oh, regarding a question I asked him. When I  
24 said he agreed, when I asked him is this okay, and  
25 he was recording me. He didn't state yes. He shook

1 his head yes. And that's what I testified to. I  
2 said he shook his head yes. He said yes. But the  
3 investigator took issue with the fact that there was  
4 no yes from him on the recording.

5 Q. Okay. So as you recall it, the finding of  
6 dishonesty was never sustained by Internal Affairs  
7 and it was solely based on a dispute as to what you  
8 said to one other employee?

9 A. Correct.

10 Q. All right. And then you said that it's  
11 also false that you were placed on the Brady list.  
12 You were never placed on the Brady list?

13 A. My name appeared on the Brady list. It  
14 was illegal. It was unlawful. And that was proven  
15 in my lawsuit subsequently. There was no -- I met  
16 not one of the requirements. There's a list of  
17 federal requirements to be on that Brady list, and  
18 not one of them applied to me.

19 Q. Okay. But it doesn't -- this allegation  
20 in paragraph 17 of the complaint doesn't say that  
21 you qualified for the Brady list, it just says there  
22 were posts about the fact that you were placed on  
23 the Brady list. You, in fact, were placed on the  
24 Brady list for Hamilton County, correct?

25 A. For political purposes, yes, I was.

1           Q.    Okay.  And then you say it was determined  
2  that you shouldn't have been put on the Brady list.  
3  Who made that determination?  Because when I hear  
4  that as a lawyer, I think a jury verdict or a judge.

5           Who made the determination that your  
6  inclusion on the Brady list for Hamilton County was  
7  improper?

8           A.    Joe Deters, the Prosecutor of Hamilton  
9  County.

10          Q.    Okay.  What did -- so he's not a judge or  
11  a jury, but what did he say that supports your  
12  testimony that you were improperly included on the  
13  Brady list?

14          A.    So I had filed suit.  There was a summary  
15  judgment by Judge Dlott -- in fact, a very  
16  significant one.  I believe it was 19 pages.  And  
17  Joe Deters, based on that finding, told my attorney  
18  that, one, they wanted to settle and, two, that I  
19  would be removed from the Brady list for lack of  
20  cause.

21          Q.    Okay.  So you said there was a  
22  determination.  Was it Judge Dlott's decision that  
23  determined it?

24          A.    Judge Dlott determined that there was --  
25  that I had -- well, I won summary judgment on all

1 three counts, that I was targeted because I was a  
2 lesbian, that I -- that I -- I have to go back in my  
3 memory, but that I was similarly dismissed without  
4 just cause, and that I was falsely accused of the  
5 wrongdoing. It had to do with the substance of the  
6 internal investigation that was done.

7 Q. All right. And your testimony is that  
8 Judge Susan Dlott of the Southern District of Ohio  
9 made that determination in your favor as a matter of  
10 law, not that she said there's a question of fact  
11 about all that, she actually -- let me finish -- she  
12 actually determined it as a matter of law; is that  
13 your testimony?

14 MR. SIMON: I have multiple  
15 objections. First, we're asking a  
16 non-lawyer to interpret a decision by  
17 Judge Dlott many years ago. She's not  
18 qualified to do that.

19 And, Counselor, we are far afield  
20 from the allegations in your complaint and  
21 in your clients' claims. I would ask you  
22 just to move on.

23 MR. BRUNS: No. I want to know what  
24 her personal knowledge is. And if she has  
25 personal knowledge, I'm entitled to know.

1           This is my opportunity.

2           MR. SIMON: Her personal knowledge  
3           about what Judge Dlott said --

4           MR. BRUNS: If that's what her basis  
5           is, then she's repeating hearsay. I'm  
6           entitled to test what she actually has  
7           personal knowledge of. I am.

8           A. I can tell you that, again, I'm not an  
9           attorney. I didn't go through the decision and  
10          parse every piece of it and understand all of the  
11          different legal jargon that's in there.

12          What I can tell you is I prevailed on  
13          three of the allegations that I had regarding my  
14          unjust being fired and so forth. And after that the  
15          -- I can tell you the prosecutor's office approached  
16          us to settle. That's what I can tell you factually.

17          Q. Is there any other false statement of fact  
18          in paragraph 17?

19          A. So we already broached the alleged drunk  
20          driving. I want to make very, very sure that we all  
21          know that that is a lie in 17.

22          Q. My question is, again --

23          A. And I'm going through it. I want to make  
24          sure that I have been very, very clear that the  
25          alleged drunk driving is a lie. The acts of

1       dishonesty are a lie. The my being placed on the  
2       Brady list is based on a lie. Posts critical of  
3       jail safety where inmates regularly popped the locks  
4       on the cells -- inmates were popping locks on the  
5       cells, that's a fact. Other assorted criticisms, I  
6       don't -- I don't know what that entails.

7           Q. All right. Let's move on then. Paragraph  
8       18.

9           A. Okay.

10          Q. Is there any factually false statement  
11       there?

12          A. Yes.

13          Q. What?

14          A. First of all, we did not -- myself and  
15       Chief Gramke -- did not engage with meetings of  
16       members of the Hamilton County Sheriff's Office in  
17       any way, shape, or form because of posts or  
18       criticism, particularly that were apparently posted  
19       by this Adams person. That's number one. Do you  
20       want to talk about that?

21          Q. Yeah. No -- just so we're clear --

22          A. Uh-huh.

23          Q. -- no such meeting ever occurred where  
24       either you or Chief Gramke in your presence or at  
25       your direction told any deputy, any Hamilton County

1 employee that -- not to associate in any way with  
2 Caroline Adams?

3 A. Well, that doesn't address what I just  
4 said. I want it known that we did not go out to  
5 each district, which we did do -- we went out to  
6 each district and we addressed the briefing, which  
7 is where deputies are, you know, coming on to shift,  
8 going off shift, et cetera, and we did that to talk  
9 about lots of things regarding the Sheriff's Office  
10 and how we were going to proceed on policy and  
11 procedure. We were answering questions regarding  
12 vests and beards, things like that, that deputies  
13 were asking.

14 It certainly was in no way, not even any  
15 way we went out there because of these posts and  
16 criticisms. That was not the reason that we  
17 addressed deputies at the briefings.

18 And then to be clear about the rest of the  
19 paragraph, I did not tell the deputies that they or  
20 their spouses were to not associate with this person  
21 or there would be consequences. I absolutely -- and  
22 I understand from rumor that this was somehow  
23 audiotaped. I absolutely did not say that.

24 Q. And you didn't say it or imply it that  
25 they shouldn't interact with her on social media

1 or -- you didn't say anything like that?

2 A. Well, you're asking me say or imply, so I  
3 did not say that.

4 Q. Okay. And you didn't imply that they  
5 shouldn't interact with her on social media or there  
6 would be consequences?

7 A. I don't know what -- the way they took  
8 what I said. What I'm telling you is I did not say  
9 that.

10 Q. Okay. Did you mention Caroline Adams in  
11 any of those meetings?

12 A. I believe I mentioned her as a troll. I  
13 don't believe -- I referred to her as a troll in my  
14 mind. I don't know that I actually said her name.  
15 I may have.

16 Q. Okay. Why would you have brought her up  
17 in one of those meetings?

18 A. Because I was talking about the fact that  
19 we are here to improve morale, you know. And we  
20 want deputies to get along with each other. And we  
21 want deputies to have a certain cohesion about the  
22 way they work together.

23 And we understand with the stress and  
24 strife of COVID and the change in leadership, which  
25 was pretty close to after I had gotten elected,

1       that -- you know, that there are negative things out  
2       there, that people do post negative things about the  
3       department, about people in the department. And I  
4       encouraged those officers not to pay attention to  
5       that. I encouraged them to look forward, to do  
6       their best.

7                 And I certainly told them that I have  
8       absolutely no interest in what this person is  
9       posting personally, other than the fact that it is  
10      detrimental to morale and I'm asking them to  
11      consider that when they are interacting with each  
12      other, because I want our department to become the  
13      best department in the state of Ohio. That's what I  
14      said.

15       Q.     Sure. But what -- you talked about them  
16      interacting with each other. Did you bring up them  
17      interacting with Caroline Adams?

18       A.     No. No.

19       Q.     Okay.

20       A.     I did not.

21       Q.     I just wanted to make sure. All right.  
22      Go to paragraph 19.

23                 MR. SIMON: And on that note, I think  
24      we're a little late for a lunch break.

25                 MR. BRUNS: All right. That's fine.

1 MR. SIMON: Thank you.

2 THE VIDEOGRAPHER: We're off the  
3 record. The time is 12:57.

4 (A lunch recess was taken.)

5 THE VIDEOGRAPHER: We are back on the  
6 record. This is Media 4 of today's  
7 deposition. The time is 2:07.

8 BY MR. BRUNS:

9 Q. Sheriff, we're back on the record. And  
10 when we took a break, we had been talking about the  
11 complaint. I do have a follow-up about that. I  
12 won't continue to go through the complaint, though.

13 Let me ask you this. You said you read  
14 the complaint when you first received it. Were you  
15 caught off guard or surprised by the lawsuit?

16 A. I was actually, yes.

17 Q. Okay. Something else we talked about  
18 before about policies and procedures. Let me ask  
19 you this. You agree that Jason Davis was covered by  
20 the collective bargaining agreement for the  
21 enforcement unit at the time of your meeting on  
22 October 10, 2023?

23 A. I do.

24 Q. All right. And do you know whether he was  
25 on duty during that meeting with you?

1           A. I really would have no idea, because I  
2 don't -- I wouldn't know his schedule.

3           Q. All right. If he were to testify he was  
4 not on duty, you don't have any reason to dispute  
5 that?

6           A. I wouldn't know if he was on duty or not.

7           Q. All right. What are general infraction  
8 guides?

9           A. On our road patrol I think you're  
10 referring to the -- what they call GIG cards; is  
11 that right?

12          Q. Okay. Yes.

13          A. Okay. So they are things that supervisors  
14 use to, you know, enhance their memory and also  
15 coach employees.

16          Q. Okay. Are there any sort of disciplinary  
17 guidelines that are part of the collective  
18 bargaining agreement?

19          A. There are lots of disciplinary guidelines  
20 in the collective bargaining agreement.

21          Q. Okay. All right. Are they merely  
22 guidelines or are they mandatory?

23          A. Well, you must follow them or you will  
24 lose in arbitration or the case could get thrown  
25 out. I mean, there's time frames.

1 Q. All right. Thank you. I had asked you  
2 earlier today during the questioning that -- about  
3 being trustworthy, being able to keep secrets, being  
4 responsible, and being a good team player.

5 A. Uh-huh.

6 Q. We were talking about RENU. But that --  
7 those are important attributes for any Hamilton  
8 County Sheriff's Department employee, fair?

9 A. Yes.

10 Q. All right. And you would agree that it's  
11 a good employment practice if -- that the lack of  
12 any of those qualities on the job should be  
13 documented in an officer's annual employment  
14 evaluation?

15 A. That's our policy.

16 Q. All right. And likewise, if someone was  
17 complimented for any of those qualities or those  
18 qualities were essential to their performance as  
19 part of a complex law enforcement operation, you  
20 wouldn't be surprised that there would be some  
21 recognition of that that ended up in the officer's  
22 personnel file?

23 A. Correct.

24 MR. BRUNS: All right. Do you have  
25 Exhibit 11?

1                   THE COURT REPORTER: Here, I've got  
2                   it.

3                   MR. BRUNS: We have it now.

4                   MR. SIMON: Oh, good.

5                   THE COURT REPORTER: Right here.

6                   MR. BRUNS: I guess we solved that.

7                   MR. SIMON: Nice.

8                   MR. BRUNS: Thank you.

9                   THE COURT REPORTER: You're welcome.

10                  Q. Sheriff, I'm going to hand you what was  
11 previously marked as Plaintiffs' Exhibit 11 --

12                  A. Uh-huh.

13                  Q. -- and represent to you that this document  
14 was produced in discovery as part of Jason Davis's  
15 employment file. All right. And I want to turn  
16 your attention to the third to last page of that  
17 document.

18                  A. Okay. The one that's Operation Early  
19 Bird?

20                  Q. Yes.

21                  A. Okay.

22                  Q. It's a document addressed to you, Sheriff  
23 McGuffey.

24                  A. Uh-huh.

25                  Q. Take a moment to review that -- those last

1 three pages, because I have some questions about it.

2 A. Okay.

3 Q. Just so you're familiar with it.

4 A. Sure.

5 Q. And just tell me when you're ready.

6 A. Okay. I'm ready.

7 Q. Do you recognize this document as an  
8 interdepartmental correspondence directed to you?

9 A. Yes.

10 Q. All right. And then you would have  
11 received this in the normal course of business?

12 A. Yes. Correct.

13 Q. All right. And it's dated November 18,  
14 2021, from Captain Stapleton, right?

15 A. Correct.

16 Q. And what's your understanding of Captain  
17 Stapleton's reputation for honesty?

18 A. I think Captain Stapleton is an excellent  
19 supervisor and employee.

20 Q. All right. And he's honest?

21 A. Yes. That's my knowledge.

22 Q. All right. And it says, Subject,  
23 Operation Early Bird. Generally speaking, what was  
24 Operation Early Bird?

25 A. Well, it appears to be a joint effort

1 where some individuals were targeted so that we  
2 could seize drugs, specifically fentanyl, firearms,  
3 et cetera.

4 Q. Okay. And it was a coordination between  
5 the Sheriff's Department, the FBI, the DEA,  
6 Cincinnati Police Department, and the United States  
7 Attorney's Office, right?

8 A. That's correct.

9 Q. All right. So that was a pretty complex  
10 high-level operation, right?

11 A. Yes.

12 Q. Okay. And you would agree with me that  
13 any time you're engaged in something like that,  
14 trust and secrecy are critical components for the  
15 folks who are involved in that?

16 A. Yes.

17 Q. And here the captain is writing to you to  
18 let you know how well the officers of the Hamilton  
19 County Sheriff's Department who were involved in  
20 this operation -- how well they performed and how  
21 critical they were to the success of the operation,  
22 fair?

23 A. Yes.

24 Q. Okay. And, in fact, he noticed that your  
25 marked units and detectives were a huge value added

1 to our element this morning. Please pass along our  
2 gratitude as appropriate.

3 A. Yes. Uh-huh.

4 Q. He also said, I will personally tell you  
5 that this operation would not have been possible or  
6 successful without the deputies that operated the  
7 forward command center at patrol headquarters,  
8 right?

9 A. Yes.

10 Q. Okay. And your understanding based on  
11 certainly that the third to the last page is that  
12 Jason Davis was one of the patrol officers who took  
13 part in this operation, correct?

14 A. His name appears, yes.

15 Q. All right.

16 A. Uh-huh.

17 Q. All right. And you're unaware of any  
18 information that he wasn't a part of the secrecy,  
19 trustworthiness, comradery that helped this become a  
20 successful operation, fair?

21 A. That's right.

22 Q. All right. And this operation is actually  
23 as sophisticated or even more sophisticated than  
24 what RENU does, fair?

25 A. It involves a lot of moving parts.

1 Q. All right. And if you go to the second  
2 page of that document --

3 A. Uh-huh.

4 Q. -- Captain Stapleton told you this was an  
5 extremely successful operation that involved many  
6 assets that your agency brought forward, including  
7 from patrol, right?

8 A. Yes.

9 Q. All right. And you don't have any  
10 information to contradict that, right?

11 A. No. No, I don't.

12 Q. Okay. And he said, It was a proud day to  
13 wear the Black and Gold, meaning to be a part of the  
14 Hamilton County Sheriff's Department, right?

15 A. Yes.

16 Q. All right. And then the folks who signed  
17 off on this in the chain of command included Chief  
18 Jay Gramke, correct?

19 A. Correct.

20 Q. And he -- do you recognize his handwriting  
21 on there, where it says -- his signature and it says  
22 amazing job by all and there's a date?

23 A. Yes.

24 Q. Okay.

25 A. Uh-huh.

1 Q. And then you signed off on it as well,  
2 right?

3 A. Yes, I did.

4 Q. And you wrote, So very proud of all of the  
5 deputies who did such a great job. This effort  
6 brings recognition to our office throughout the  
7 state. And is that a truthful statement?

8 A. Yes. That's correct.

9 Q. And did you mean that?

10 A. Of course.

11 Q. All right. Do you have any personal  
12 knowledge that Jason Davis did anything less than  
13 this excellent work in any other similar operation  
14 that he was a part of?

15 MR. SIMON: Objection to form. Vague  
16 and ambiguous.

17 A. Yeah, I --

18 MR. SIMON: Try to answer.

19 Q. If you don't know, you can say I don't  
20 know.

21 A. I don't know.

22 Q. All right.

23 A. I don't know.

24 Q. And it says on here a photocopy of this  
25 document has been placed in your personnel file. So

1 everyone involved got a copy of this document in  
2 their personnel file, right?

3 A. Yes.

4 Q. And that included Jason Davis, correct?

5 A. Yes.

6 Q. You testified earlier that you recall that  
7 Chief Gramke called Jay -- called the officer --  
8 some of the officers at the Anderson Township Office  
9 malcontents, right?

10 A. Correct.

11 Q. Okay. And do you recall that he used that  
12 word in the meeting against Officer Jason Davis; did  
13 he call Jason Davis a malcontent?

14 A. I have no memory of that.

15 Q. Okay. What does the word malcontent mean  
16 to you when it's used to label an officer of the  
17 Hamilton County Sheriff's Department?

18 A. As I said, it's a historic term that's  
19 been used in the Sheriff's Department for decades.  
20 It typically means someone who is very, very unhappy  
21 at work.

22 Q. Okay. Does it have any other connotation  
23 to you?

24 A. No.

25 Q. All right. Would you agree with me that a

1 malcontented officer is not a good officer?

2 A. No.

3 Q. So a malcontented officer can be very,  
4 very unhappy at work and still be a good officer?

5 A. I think an officer can still produce and  
6 be very, very unhappy at their job.

7 Q. Okay. That wasn't my question. My  
8 question was, is a malcontented officer a good  
9 officer?

10 A. I can't answer that question. First of  
11 all, it has no context as to who the officer is.  
12 There are many ways that officers are good officers  
13 and yet struggle with certain things about happiness  
14 and whether they like their job.

15 Q. Okay. What do you mean if you call  
16 someone a good officer; what does that mean to you?

17 A. Somebody that follows policy and  
18 procedure.

19 Q. Okay. What do you mean if you call  
20 someone a very good officer?

21 A. Somebody that follows policy and  
22 procedure.

23 Q. Okay. So you use them interchangeably, a  
24 good officer is also a very good officer?

25 A. Yeah.

1           Q.    A very good officer doesn't mean any more  
2    to you, just merely that they follow policy and  
3    procedure?

4           A.    Well, the nuances of the word. They're  
5    interchangeable for me. It's an officer who follows  
6    policy and procedure.

7           Q.    Okay. Would you agree with me that if  
8    someone was a malcontented officer, that that's  
9    something that should come up in their yearly  
10   evaluation, particularly if -- if it was affecting  
11   their job performance?

12                 MR. SIMON: Objection to the form.

13                 Lacks foundation. Calls for speculation.

14           A.    And let me understand, are you saying the  
15    actual term --

16           Q.    Yes.

17           A.    -- malcontent?

18           Q.    Yeah. If you -- if you or Chief Gramke  
19    labeled someone a malcontented officer --

20           A.    Uh-huh.

21           Q.    -- and you've told me what your  
22    understanding of that word is --

23           A.    Uh-huh.

24           Q.    -- if that actually was affecting that  
25    officer's work performance, then that's something

1 that should come up in their yearly evaluation,  
2 fair?

3 MR. SIMON: Same objection.

4                  A.      I would expect a supervisor to note that,  
5 yes.

6 Q. Okay. Do you have any personal knowledge  
7 that Jason Davis was ever a malcontented officer?

8 A. I don't.

9           Q.     Sheriff, have you ever been convicted of a  
10       felony or a crime involving dishonesty?

11 A. No, sir.

12 Q. All right. Generally speaking, what's  
13 your educational background?

14           A. I have a bachelor's degree with the  
15 University of Cincinnati.

Q. When did you obtain that?

17           A. I obtained that in the early '80s, I  
18 believe I don't recall the exact date

19 Q. What was your major; what did you graduate  
20 with?

21 A Criminal Justice

22 Q. Okay. Do you have any higher education  
23 beyond that?

24 A No sir

25 Q. What was your first job in law?

1 enforcement?

2 A. Hamilton County Sheriff's Office.

3 Q. Okay. What year did you first become  
4 employed?

5 A. So I was hired on April 7, 1983.

6 Q. All right. And did you have to go through  
7 formal training as part of that?

8 A. We had two weeks of training, yes.

9 Q. Okay. You did not go through the police  
10 academy?

11 A. Not at that time, no.

12 Q. All right. So you had two weeks of  
13 training. And that was for your entry level job in  
14 the department, fair?

15 A. Yes. Yes, sir.

16 Q. And what was your first job?

17 A. I was a jail service officer.

18 Q. Okay. And then at some point did you go  
19 through academy training -- police academy training  
20 to become a --

21 A. Uh-huh.

22 Q. -- sworn law enforcement officer?

23 A. I did. In 1982 -- or 1992. I'm so sorry.

24 Q. Okay. And how did that come about?

25 A. Well, we were allowed to request to go to

1       a peace officer academy that was run by the  
2       Sheriff's Office. And if the Sheriff approved your  
3       request, then you could enroll.

4           Q.     How long did that training last?

5           A.     At the time I believe that training was  
6       six months.

7           Q.     Okay. Whether it was that period of time  
8       or in some other training that you've had -- have  
9       you had other training in addition to those two  
10      periods?

11          A.     Oh, yes. I've attended other training.

12          Q.     Sure. Whether it was that peace officer  
13      academy training or other training that you had --

14          A.     Uh-huh.

15          Q.     -- have you had training on clearly  
16      established rights -- constitutional rights?

17          A.     No. I would not say I have.

18          Q.     In other words, what the law would  
19      acknowledge as certain rights that are clearly  
20      established under the law, you've not had any  
21      training on that?

22          A.     The only thing that I have had  
23      certification to teach would have been legal issues  
24      inside the jail, and that was very broad. We were  
25      just very much concerned about inmate rights.

1 That's what we learned about. You know, protection  
2 against cruel and unusual punishment. That's the  
3 extent of it.

4 Q. Okay. Well, you do have some knowledge  
5 and understanding of what the Constitution requires  
6 of law enforcement, correct?

7 A. Generally, I'd say.

8 Q. Okay. And requires of government  
9 employees in general, fair?

10 A. In general.

11 Q. All right. In other words, for example,  
12 if you -- you're aware that if you violate someone's  
13 clearly established constitutional rights, that you  
14 could be personally held liable as a government  
15 employee?

16 MR. SIMON: Objection --

17 A. I --

18 MR. SIMON: -- to the form of the  
19 question. Calls for a legal conclusion.

20 A. Yeah, I'm not an attorney. I would not be  
21 able to speak to the nuances of what that means, no.

22 Q. In your capacity as Sheriff of Hamilton  
23 County did you take an oath to support and defend  
24 the Constitution of the United States?

25 A. It's in the oath, yes.

1 Q. All right. And when you took the oath,  
2 did you mean it?

3 A. Of course I did.

4 Q. All right. And when you took the oath,  
5 did you promise to support and defend all of the  
6 Constitution or just parts of it?

7 A. The oath does not stipulate parts of. It  
8 says the Constitution, so yes.

9 Q. Okay. And so when you took that oath, did  
10 you understand it to be binding on every aspect of  
11 your performance and duties as Sheriff of Hamilton  
12 County?

13 A. In whatever way it applies to me as a  
14 deputy, yes.

15 Q. Well, and applies to you as the top  
16 decision maker, policy maker in the Hamilton County  
17 Sheriff's Department, right?

18 A. I'm bound to -- as the elected Sheriff to  
19 -- yes, to swear to uphold the Constitution.

20 Q. Including upholding the rights of  
21 employees of the Hamilton County Sheriff's  
22 Department and employees such as Jason Davis when he  
23 worked there?

24 A. Well, that's not stipulated. But, yes, I  
25 assume.

1 Q. That's some of the rights you swore to  
2 uphold, that --

3 A. Well, it's not in writing. It says the  
4 Constitution, but yes.

5 Q. Okay. And that was your understanding  
6 when you took that oath?

7 A. When I took the oath, it was the  
8 Constitution, my general knowledge of the  
9 Constitution, and I swore to that.

10 Q. Okay. Including upholding, not violating,  
11 the rights of government employees who you are  
12 responsible for in terms of their ultimate boss,  
13 fair?

14 MR. SIMON: Objection. Asked and  
15 answered.

16 A. It doesn't say that. It doesn't say that.  
17 So I'm not going to say that I have specific  
18 knowledge about what the entire -- entirety of the  
19 Constitution is, but to withhold the -- uphold the  
20 Constitution as I know it in the terms that -- in  
21 general terms, and that's what's in my mind.

22 Q. Okay. And as a government -- an agent of  
23 government you understand that the Constitution  
24 applied to you?

25 A. I think it applies to everyone. I'm not

1       an attorney. But I believe if you are a citizen of  
2       the United States, the Constitution applies.

3           Q. All right. And you were aware that in  
4       that -- at the time of that October 10, 2023,  
5       meeting and before that Jason Davis was a citizen of  
6       the United States; you knew that?

7           A. I assumed that, yes.

8           Q. All right. And you knew that he was a  
9       government employee, correct?

10          A. I knew he was an employee of the Hamilton  
11       County Sheriff's Office.

12          Q. All right. Were you aware on or before  
13       January 1, 2020, that all citizens have a First  
14       Amendment right to engage in free speech?

15          A. Again, I have a very general knowledge of  
16       the Constitution. If breaking it down in specifics  
17       is -- it's not my expertise, it's not what I was  
18       trained for, so I don't feel comfortable answering  
19       that question.

20          Q. You didn't know that citizens of the  
21       United States had a right to engage in free speech  
22       under the First Amendment?

23                    MR. SIMON: Objection.

24                    Argumentative.

25          A. It's a generality that I know of. But to

1 say that I know specifics about that, no, I don't.

2 Q. Okay. Did you know that all citizens have  
3 a clearly established right under the First  
4 Amendment to engage in free speech by publicly  
5 criticizing elected officials?

6 MR. SIMON: Objection. Calls for a  
7 legal conclusion.

8 A. Again, I know of generalities in the  
9 Constitution that address that. Specifically I  
10 could not tell you what that says.

11 Q. What are the generalities that you know?

12 A. I know that the Constitution protects  
13 people's rights to a fair trial, to due process. I  
14 know that the amendment applies -- the amendment of  
15 cruel and unusual punishment applies when someone is  
16 incarcerated. You cannot, you know, abuse them. I  
17 know those things.

18 Q. Okay. Well, in particular with respect to  
19 the First Amendment, what do you generally know?

20 A. I just explained it. You cannot use cruel  
21 and unusual punishment for anyone who is  
22 incarcerated, no matter what they may say to you or  
23 actually do in the environment. Those are things I  
24 was trained in and I was trained specifically for  
25 incarceration.

1           Q.     Okay.  Were you aware -- and I'm going to  
2     keep asking these questions.  You can tell me you  
3     don't know, okay?

4           A.     Uh-huh.

5           Q.     Were you aware on or before January 1,  
6     2020, that all citizens have a clearly established  
7     right under the First Amendment to freely associate  
8     with others, including for purposes of criticizing  
9     government officials?

10          A.     I have no --

11                    MR. SIMON: Objection. Calls for a  
12                    legal conclusion.

13          A.     -- no knowledge.

14          Q.     All right.  Were you aware on or before  
15     January 1, 2020, that all citizens have a clearly  
16     established right to not be retaliated against for  
17     engaging in protected speech and association  
18     activities?

19                    MR. SIMON: Same objection.

20          A.     No specific knowledge.

21          Q.     Were you aware on or before January 1,  
22     2020, that government employees have a clearly  
23     established right to not be retaliated against at  
24     work because of a family member's speech or  
25     associational activity?

1 MR. SIMON: Same objection.

2 A. Again, no clear understanding of that.

3 Q. Well, what is your understanding of that,  
4 if any -- what understanding, if any, do you have?

5 A. I don't.

6 Q. Okay. Were you aware on or before  
7 January 1, 2020, that government employees who are  
8 not on the clock have a clearly established right to  
9 criticize their employer regarding matters of public  
10 concern?

11 MR. SIMON: Same objection.

12 A. Again, I have no knowledge of that.

13 Q. All right. Were you aware on or before  
14 January 1, 2020, that government employees have a  
15 clearly established right to not be retaliated  
16 against for engaging in protected speech and  
17 association activities?

18 MR. SIMON: Same objection.

19 A. I have no clear knowledge of that.

20 Q. All right. Do you have any knowledge of  
21 that?

22 A. Not in regards to the Constitution, sir.

23 Q. All right. Were you aware on or before  
24 January 1, 2020, that unlawful retaliation included  
25 withholding favorable assignments or withholding

1 promotions if it's in retaliation for protected  
2 speech?

3 MR. SIMON: Same objection.

4 A. Again, I'm not an attorney. I don't  
5 intend to espouse an opinion on that because I don't  
6 know.

7 Q. All right. As Sheriff of Hamilton County  
8 have you ever made any false statement of fact to  
9 the media?

10 A. Not to my knowledge.

11 Q. All right. In your opinion as Sheriff in  
12 the interactions that law enforcement supervision at  
13 the Hamilton County Sheriff's Department has with  
14 employees under them --

15 A. Uh-huh.

16 Q. -- is it ever appropriate to lie to  
17 employees?

18 A. Again, our policy states that you will be  
19 truthful. And it's documented in many places that  
20 deputies -- anyone who is wearing this uniform and  
21 is taking the oath will be truthful.

22 Q. So the answer to my question is no, it's  
23 never appropriate for law enforcement supervision to  
24 lie to employees in their interactions with those  
25 employees?

1 A. That sounds like the exact right answer.

2 Q. Okay. You would agree that you are an  
3 elected official who stands for election every four  
4 years, right?

5 A. That's correct.

6 Q. All right. And that makes you a public  
7 figure, correct?

8 A. Yes, it does.

9 Q. All right. And you talked about  
10 briefly -- or maybe not briefly, we talked about  
11 Caroline Adams and her criticisms of you. And did  
12 you ever suggest directly, indirectly to any  
13 employee of the Hamilton County Sheriff's Department  
14 to monitor Caroline Adams' social media posts  
15 regarding you, regarding the Sheriff's Department,  
16 or for any reason?

17 A. I told my staff that I wanted them to be  
18 mindful of social media in any way that I am  
19 physically threatened. If someone threatens to  
20 shoot me, if someone threatens to harm me in that  
21 way, I would like to know about it immediately.

22 That's what I asked of them.

23 Q. Okay. Did you mention Caroline Adams by  
24 name when you had any such discussion with any of  
25 your staff?

1 A. No.

2 Q. Okay. Or whether it was Caroline Adams,  
3 did you ever mention any of the names that Caroline  
4 Adams goes by on social media such as Itsa Krakken?

5 A. I don't -- I don't recall that  
6 specifically how I -- I know that I asked my staff  
7 to monitor social media, period, if there was a  
8 specific threat to my safety.

9 Q. Sure. But you didn't tell them to monitor  
10 any specific person on social media or the name of  
11 anyone posting?

12 A. Not that I am -- have a memory of, no.

13 Q. Okay. So you never told them to monitor  
14 Chaz the Anti-Sheriff posts?

15 A. I didn't even know that existed, but no.

16 Q. All right. Or Signal 99?

17 A. No.

18 Q. All right. Setting aside Caroline Adams'  
19 personal criticisms of you, are you -- do you have  
20 any personal knowledge that she is not supportive of  
21 law enforcement generally?

22 A. I don't have any personal knowledge of  
23 her, period.

24 Q. Okay. And certainly you don't have any  
25 personal knowledge that she's not supportive of the

1       Hamilton County Sheriff's Department?

2           A.    I have no personal knowledge of her.

3           Q.    And I think you might have said this, but  
4   I want to make sure I understand. When did you  
5   first become aware that this person named Caroline  
6   Adams or any of her handles was critical of you?

7           A.    I have no real memory of dates or times.

8   As I stated, I don't even pay attention to that.

9   And, in fact, I frequently tell people don't tell  
10 me. They know what to tell me about. That's why I  
11 stipulated that. The only reason you need to tell  
12 me what's on social media is if there's a threat to  
13 my personal safety.

14          Q.    Okay. Did you ever become aware of any  
15 posts from Caroline Adams or any -- under of the  
16 various names she posted under where she criticized  
17 you because of the incident where your loaded  
18 firearm was stolen and your vehicle was stolen?

19          A.    No. I mean, no.

20          Q.    Okay. Would you agree that that incident  
21 was -- caused public embarrassment for the Hamilton  
22 County Sheriff's Department?

23          A.    No, I would not.

24          Q.    Okay. Would you agree that that incident  
25 created a threat to public safety?

1 A. No, I would not.

2 Q. Okay. Why not?

3 A. I was in my -- my absolute policy rights.

4 I explained the situation as to why I secured my  
5 weapon. And I was within my -- I was acting within  
6 my duties under the codes of what I was allowed to  
7 do policy and procedure-wise. I was a victim of a  
8 crime.

9 Q. Okay. Sheriff, I'm going to hand you  
10 what's been marked as Exhibit 1 -- Plaintiffs'  
11 Exhibit 1.

12 A. Uh-huh.

13 Q. And I have some questions about that.

14 A. Okay.

15 Q. Take a moment to review it.

16 A. All right. Yes. Okay.

17 Q. For the record, this is a story by Channel  
18 19 published June 20, 2021, regarding this incident  
19 where your car and the gun were stolen from your  
20 driveway, right -- is that correct?

21 A. That's correct.

22 Q. Okay. And it says Sheriff McGuffey told  
23 Fox19, so you were interviewed as part of this  
24 story, correct?

25 MR. SIMON: Note my objection to this

1                   line of questioning. Can I have a  
2                   continuing objection to relevance?

3                   MR. BRUNS: Sure.

4                   MR. SIMON: Thanks.

5                   Q. You spoke -- you were interviewed by  
6 Fox19, correct?

7                   A. I talked to multiple media interviews,  
8 yes.

9                   Q. Okay. And then as a result of this  
10 interview, did you ever see the story?

11                  A. No.

12                  Q. You didn't -- you never followed up to see  
13 the coverage that came about it?

14                  A. No. No, I didn't.

15                  Q. Okay. And it says, Sheriff McGuffey told  
16 Fox19 that her car stolen from Columbia -- her  
17 Columbia Tusculum home was found near Kings Run  
18 Drive and Winnestee Avenue. Did I read that  
19 correctly?

20                  A. You did, sir.

21                  Q. All right. Is that a true statement?

22                  A. That's what the police told me.

23                  Q. Oh, no, but is -- did you tell Fox19 that?

24                  A. They -- I said Kings Run Drive. I don't  
25 know anything about Winnestee Avenue. It's not in

1 my -- I remember saying Kings Run Drive because I  
2 know where that is, but the -- I may have said  
3 Winnestee Avenue, sure.

4 Q. All right. And then it says that the gun,  
5 however, was not found. Did you tell them that,  
6 that the gun wasn't found?

7 A. Correct. That's factual.

8 Q. That's factual. All right. And then it  
9 says, She says she responded to an incident  
10 involving a man barricading himself Friday night.  
11 When she got home, she parked her unmarked car in  
12 the driveway; is that a true statement?

13 A. Yes. That's correct.

14 Q. All right. And then it says, Sheriff  
15 McGuffey says, as is normal for her, she left her  
16 gun in a secured compartment in her locked car. Is  
17 that a true statement?

18 A. It's not accurate.

19 Q. Okay. Well, first of all, did you say  
20 that?

21 A. I don't recall saying that, no.

22 Q. Okay. If the article claims you said it,  
23 do you have a memory one way or the other whether  
24 you said it?

25 A. I said I don't recall saying it.

1           Q.    Okay.  It says in here that you left your  
2 gun in a secured compartment in your locked car and  
3 you -- that was the glove compartment; is that  
4 correct?

5           A.    Correct, sir.

6           Q.    Okay.  And is it your understanding that  
7 the thieves who stole your car were later on -- at  
8 some point they were able to remove that gun from  
9 your locked glove compartment?

10          A.    Obviously.

11          Q.    Okay.  All right.  There was a follow-up  
12 story by Channel 19 in 2023 when your gun was  
13 recovered by law enforcement; is that true?

14          A.    That's correct.

15          Q.    All right.  And it was recovered at a  
16 crime scene where the gun had been used to shoot  
17 someone during an armed robbery?

18          A.    No.  My knowledge is it was recovered from  
19 a traffic stop.

20          Q.    Okay.  And the gun ultimately was  
21 determined to have been used in an armed robbery,  
22 correct?

23          A.    That's correct.

24          Q.    And someone was shot with it, correct?

25          A.    Correct.  Well, that's what they report.

1 They have no -- the person refused to testify.

2 Q. All right. Exhibit 2. Sheriff, take a  
3 look at Exhibit -- Plaintiffs' Exhibit 2 --

4 A. Uh-huh.

5 Q. -- and review that for a moment, because I  
6 have some questions.

7 A. Sure.

8 MR. SIMON: Counselor, this is part  
9 of my continuing objection; is that  
10 understood?

11 MR. BRUNS: Sure.

12 MR. SIMON: Thanks.

13 A. Yes, I read it.

14 Q. Okay. Do you remember issuing a press  
15 release that this story is based on about the fact  
16 that your gun -- your stolen gun was found?

17 A. My information officer likely was the  
18 person who released this. She -- her  
19 responsibilities are to communicate with the press,  
20 so yes.

21 Q. Okay. And you would have approved any  
22 statement she issued on this?

23 A. Of course.

24 Q. All right. And the statement was that  
25 Hamilton County Sheriff announces her stolen gun was

1 found, used in a robbery; that's accurate -- that  
2 actually happened, right?

3 A. Is that -- oh, this here at the top --

4 Q. Yeah.

5 A. -- of the page? Yes. Uh-huh. Yes.

6 Q. All right. And you would agree with me  
7 that this story is an incident of public concern,  
8 right -- an issue of public concern?

9 MR. SIMON: Objection. Calls for a  
10 legal conclusion.

11 A. I think it's of interest to the public  
12 certainly.

13 Q. Sure. And the public could be concerned  
14 about a sheriff who had a loaded weapon in her  
15 unmarked car at home, it got stolen, and then that  
16 weapon got used in various crimes; the public could  
17 be concerned about this, fair?

18 A. I don't pretend to know what the public  
19 thinks. I know that this would be a story of  
20 interest.

21 Q. All right. Well, this wasn't the only  
22 news story, there were other news stories about it,  
23 right?

24 A. Of course.

25 Q. Okay. All right. And things like this

1 that hit the media and there's stories about, the  
2 public have a right to be concerned about things  
3 that they -- are addressed by the media, fair?

4 MR. SIMON: Objection to the form of  
5 the question. Vague and ambiguous.

6 You can answer.

7 A. It's a story of interest.

8 Q. Okay. Were you personally embarrassed by  
9 any of these incidents?

10 A. As I said, I followed policy and  
11 procedure. I did exactly what I should do. I used  
12 good judgment in keeping my weapon away from an  
13 environment where children might have access to it  
14 and -- so that is how I feel about it.

15 Q. Okay. That didn't answer my question.  
16 Were you embarrassed by this incident getting out  
17 and people knowing what happened?

18 MR. SIMON: Objection.

19 Argumentative.

20 A. I'm the one that reported it. So I don't  
21 have any feeling about it one way or another, sir.

22 Q. All right.

23 A. It's a story. It happened. I don't have  
24 one feeling about it one way or the other.

25 Q. Okay. Part of what was discovered and

1 part of your statement from the Sheriff's Office  
2 explained that spent shell casings were recovered at  
3 three different locations, not including the  
4 robbery, right?

5 A. That's what it documents here, yes.

6 Q. All right. So that would indicate that  
7 your gun was fired at least in four different  
8 locations, fair?

9 A. That's how it reads, yes.

10 Q. All right. Did you believe you would be  
11 criticized for these incidents once it became public  
12 and got out in the media; did you think you would  
13 get some public criticism about this?

14 A. I knew that I would get -- that there  
15 would be publicity surrounding it. I knew there  
16 would be articles written about it. And I knew  
17 people would ask me for an explanation.

18 Q. Okay. If you weren't the sheriff but were  
19 a patrol officer, would what occurred here have been  
20 a reason not to promote you?

21 A. Again, I can't answer to hypotheticals. I  
22 just can't.

23 Q. Okay.

24 A. I can't answer to hypotheticals.

25 Q. All right. Did you as sheriff discipline

1 yourself over this?

2 MR. SIMON: Objection.

3 Argumentative.

4 A. There was no discipline that occurred in  
5 this situation.

6 Q. Okay. We talked about it briefly before,  
7 but you were involved in an incident when you  
8 weren't sheriff, you were an officer with the  
9 Hamilton County Sheriff's Department in 2010, you  
10 were involved in an incident in Covington, Kentucky  
11 correct?

12 A. That's correct.

13 Q. All right. And as a result of that  
14 incident it led to a five-day suspension from the  
15 department; is that accurate?

16 A. That's correct.

17 MR. SIMON: It looks like my  
18 continuing objection is continuing.

19 MR. BRUNS: It is continuing.

20 THE WITNESS: Could you get me some  
21 water?

22 MR. SIMON: Sure.

23 (Plaintiffs' Deposition Exhibit No.  
24 28 was marked for identification.)

25 Q. Sheriff, take a moment to look at that.

1 That's Plaintiffs' Exhibit 28.

2 A. Uh-huh.

3 Q. Take a moment to review it, because I have  
4 some questions about it for you.

5 A. I'm almost ready.

6 Q. Yeah, tell me when you're ready.

7 A. Close. Okay.

8 Q. Exhibit 28 is the summary of the  
9 disciplinary proceedings against you as a result of  
10 the Covington -- the incident with the Covington  
11 Police, correct?

12 A. Correct. Yes, sir.

13 Q. All right. And it says that you were --  
14 that you have been guilty of conduct unbecoming a  
15 deputy sheriff, correct?

16 A. That's what it states, yes.

17 Q. All right. And it specifically states  
18 that you, referring to Officer McGuffey -- you  
19 proceeded to explain how this event unfolded.

20 That's what it states, correct?

21 A. Yes.

22 Q. And it says, After leaving a Covington  
23 sports bar, your friend, who had a beer in her hand,  
24 was approached by a police officer indicating he was  
25 going to arrest her. You were instructed to go to

1 your car. As you did so you yelled an obscenity at  
2 the officers accusing them of targeting gay bars.  
3 The officers warned you about your behavior and  
4 consequences if you did not stop. After your car  
5 pulled away, and stopping at a stop sign, you rolled  
6 down -- you rolled your window down and became loud  
7 and accused the officers of harassment. At this  
8 time, the officer ordered the car to stop. Thinking  
9 he wanted to speak to you, you attempted to get out  
10 of the car, but the officers quickly grabbed your  
11 hands, placed you on the ground, and were  
12 handcuffed. You were then cited with disorderly  
13 conduct, public intoxication, and because you  
14 attempted to get out of the car, menacing. Did I  
15 read that accurately?

16 A. Yes, you did.

17 Q. All right. And is that something that you  
18 told Internal Affairs?

19 A. This was 2010. I cannot tell you that  
20 this is exactly what I said. I can't. I simply  
21 can't. I know what happened. I was there. And  
22 obviously I was interviewed here by Major Bruce  
23 Taylor. I couldn't testify to exactly these are my  
24 exact words or how he wrote this up. I can't -- I  
25 don't know.

1 Q. Okay. You had a right to a hearing over  
2 this, correct?

3 A. I did, sir. Yes.

4 Q. Yes.

5 A. Uh-huh.

6 Q. And it also says, And if so -- if you  
7 wanted to present your side of the story --

8 A. Uh-huh.

9 Q. -- because people were saying things that  
10 weren't true, you had a right to go to a hearing on  
11 it --

12 A. I did.

13 Q. -- true? All right. And it says you  
14 waived your right to a hearing, true?

15 A. I did.

16 Q. All right. And if you go to the fourth  
17 page of this document --

18 A. Oh, sorry.

19 Q. Yeah. Fourth page of the document.

20 A. Yes.

21 Q. Fifth paragraph down where it says Officer  
22 McGuffey was interviewed.

23 A. These aren't numbered. So is this the  
24 page you're talking about?

25 Q. Yes, I am.

1 A. Okay.

2 Q. If you just count down --

3 A. So --

4 Q. -- the paragraph that says Officer  
5 McGuffey was interviewed; do you see that?

6 A. That's how the paragraph starts? I'm on  
7 April 7. The next paragraph is Chief Russo, Chief  
8 Russo. Next paragraph. Chief Russo.

9 Q. Oh, I see.

10 A. And then it says, The information --

11 Q. The fourth page of the document. Let me  
12 show you.

13 A. You're calling each one of these --

14 Q. Yeah, sorry. This page.

15 A. Oh, that's my fifth page.

16 Q. Okay. Go to the fifth page. I apologize.

17 A. Okay.

18 Q. Go to the fifth page.

19 A. All right.

20 Q. Officer -- with a paragraph that says  
21 Officer McGuffey was interviewed.

22 A. Oh, here. Okay. Officer McGuffey was  
23 interviewed in reference to how she felt, yes.

24 Q. About her actions --

25 A. Yes.

1           Q. -- at which time she accepted  
2 responsibility for her actions. Do you recall that  
3 you did, in fact, accept responsibility for your  
4 actions?

5           A. I did.

6           Q. All right. Indicating that during the  
7 incident she became angry that the officers were,  
8 quote, targeting the bar, closed quote, and although  
9 she denied directing any comments toward the  
10 Covington Police Officers, admitted she was loud and  
11 was cursing.

12          A. Correct.

13          Q. Okay. And you would agree with me that  
14 the standards of personal conduct and the general  
15 rules and regulations that are listed there, your  
16 conduct violated those?

17          A. That's what I signed off on.

18          Q. Okay. And that was my next question. You  
19 signed off on it. You could have taken further  
20 steps if you disagreed with this, but you accepted  
21 it?

22          A. I did disagree with it, but I accepted it.

23          Q. Well, you agreed that you violated those  
24 standards by cursing, right?

25          A. I did accept it. I disagree with it.

1           Q.    Okay.  If you disagreed with it, you had  
2 steps you could have taken to undue this; is that  
3 fair?

4           A.    I could not undo it.  It happened.  But I  
5 disagreed with it and I chose not to take it to a  
6 hearing.

7           Q.    Okay.  Why did you not take it to a  
8 hearing?

9           A.    Because it involved other women that were  
10 with me who were also lesbians and I did not wish to  
11 out them.

12          Q.    Okay.  Well, would you at a hearing have  
13 to bring other people; you could simply testify  
14 yourself, right?

15          A.    I could be asked at the hearing who was  
16 with you.  There were other police officers with me  
17 in that group.  I could be asked that.  And I did  
18 not want to out other women.

19          Q.    But you agreed that you were yelling at  
20 these officers and, in fact, also cursing, using  
21 swear words, true?

22          A.    If I can be specific, I did use curse  
23 words.  I can tell you exactly what they were.  And,  
24 yes, I yelled over at the officers because they were  
25 some 40 feet away from us the entire incident.  They

1       were never, never in any proximity to myself or the  
2       women they targeted.

3           Q.    Okay. And you understand that one of the  
4       officers alleged that you used the words you can  
5       suck my --

6           A.    And it's a lie.

7           Q.    Okay. Did you use that phrase or some  
8       version of that phrase at all that night?

9           A.    Absolutely not.

10          Q.    All right.

11          A.    Women don't talk like that. I'm sorry.  
12       But we just don't.

13          Q.    All right. So you've never used any  
14       version --

15                   MR. SIMON: Objection.

16          A.    -- of that phrase; is that fair?

17                   MR. SIMON: Counselor, that question  
18       goes far beyond the scope of any relevance  
19       to something that happened 15 years ago.

20                   MR. BRUNS: I'm asking at any time.

21       So it's not 15 years ago.

22                   MR. SIMON: Well --

23          A.    I don't use that phrase.

24          Q.    All right. Okay. Thank you. I'm going  
25       to hand you what's been marked as Plaintiffs'

1      Exhibit 3. Take a moment to look at that. Tell me  
2      when you're ready.

A. Just give me one more second here. Okay.

4 Yes.

5 Q. All right. This is a story from The  
6 Enquirer in 2019 that in part covers that 2010  
7 incident, correct?

8 A. Yes, it does.

9 Q. All right.

10 A. Uh-huh.

11 Q. And this story resurfaced when you had  
12 announced you would run for sheriff, right?

13 A. Correct.

14 Q. So you would agree that this is an issue  
15 of public concern?

16                  A. It's an issue of public interest, of  
17 course.

18 Q. Yeah. And The Enquirer was reporting on  
19 it because people were going to consider details  
20 about this and whether to vote for you or not. fair?

21 MR. SIMON: Objection. Calls for  
22 speculation.

23           A.     People can read it and decide what they  
24       like

Q. All right. There were social media posts

1 about this incident, including a follow-up to The  
2 Enquirer article; are you aware of that?

3 A. No, sir.

4 Q. Okay. Did anybody ever tell you that  
5 there were critical social media posts?

6 A. It was mentioned to stay off social media.  
7 That's all that -- that's all that I was advised to  
8 do. And I'm old. I never got on social media  
9 anyway.

10 Q. Sheriff, I'm handing you what's been  
11 marked as Plaintiffs' Exhibit 6. If you could take  
12 a moment to look at that.

13 A. Sure. Yes, I see it.

14 Q. Okay. And I will tell you this was  
15 produced as the Brady list for Hamilton County for  
16 2019 -- May of 2019. Have you seen --

17 A. Uh-huh. I see it.

18 Q. -- this document before?

19 A. I see the date, yes.

20 Q. And it's not the entire list, but if you  
21 look at page 19 and page 23, which are copied as  
22 part of that exhibit --

23 A. Uh-huh.

24 Q. -- do you recognize your name being on  
25 there twice?

1 A. Oh, it's on here twice?

2 Q. Yeah.

3 A. Hang on. I see it on page 23.

4 Q. And then look at page 19.

5 A. Oh, there it is. Okay. Yeah, page 19 as  
6 well.

7 Q. And you would agree that the Brady list  
8 contains the identity of particular law enforcement  
9 officers and certain derogatory information about  
10 that officer's background that must be disclosed to  
11 defense attorneys in cases where that law  
12 enforcement officer is potentially going to testify,  
13 correct?

14 A. That's the purpose of the Brady list, yes.

15 Q. All right. And would you agree with me  
16 that if an officer is on the Brady list and has to  
17 testify against a criminal defendant, it makes it  
18 less likely the defendant will be convicted based on  
19 that particular officer's testimony?

20 A. That's my general understanding of the  
21 Brady list.

22 Q. All right. And you would agree with me  
23 that landing on the Brady list raises questions  
24 about an officer's trustworthiness?

25 MR. SIMON: Objection. Calls for a

1                   legal conclusion. Speculation.

2           A. That's the purpose of the Brady list.

3           Q. All right. And you would agree that it  
4 raises question about the officer's honesty?

5           A. That's the purpose of the Brady list.

6           Q. And you would agree that it raises  
7 questions about the officer not being a responsible  
8 officer, correct?

9           A. That's the purpose of the Brady list.

10          Q. All right. And if you go to page 23  
11 where -- Entry No. 109, it says Charmaine McGuffey,  
12 No. 549. What is 549; is that your badge number?

13          A. Yes, sir.

14          Q. Okay. HCS is Hamilton County Sheriff,  
15 correct?

16          A. Yes, sir.

17          Q. And then 4/26/17, that's the date of the  
18 determination in your Internal Affairs Case No.  
19 0617; is that correct?

20          A. That's when they placed me on the Brady  
21 list.

22          Q. Okay.

23          A. Yes. That -- no. I'm sorry. I was just  
24 thinking of the dates in my mind. Yes, that's  
25 correct.

1 Q. All right. And that specific entry has to  
2 do with dishonesty, correct?

3 A. That's what it states.

4 Q. All right. And that was the -- what was  
5 the -- from that Internal Affairs investigation,  
6 correct?

7 A. Correct.

8 Q. All right. Sheriff, I'm going to hand you  
9 what's been marked as Plaintiffs' Exhibit 5. If you  
10 can take a moment to take a look at that.

11 A. Sure.

12 Q. I don't have many questions about this.

13 A. Well, I want to read the entirety of it.

14 MR. BRUNS: Yeah, why don't we take a  
15 break. We've been going for a little bit.

16 THE VIDEOGRAPHER: Off the record,  
17 3:11.

18 (A brief recess was taken.)

19 THE VIDEOGRAPHER: Back on the  
20 record. Media 5 of today's deposition.

21 The time is 3:25.

22 BY MR. BRUNS:

23 Q. Sheriff, we're back on the record. And  
24 you had time to review Plaintiffs' Exhibit 5. Did  
25 you do so?

1 A. Yes, sir, I did.

2 Q. All right. Just a couple of brief  
3 questions. This was a Fox19 article in October of  
4 2019, correct?

5 A. Yes.

6 Q. Okay. And this was about who is on the  
7 Brady list in the Tri-State and what's the Brady  
8 list, right?

9 A. Yes.

10 Q. All right. And it says, A more than  
11 50-year-old Supreme Court ruling requires  
12 prosecutors to seek and disclose evidence to defense  
13 attorneys and the accused that is material to his or  
14 her guilt or punishment. This includes evidence  
15 about their untruthfulness.

16 Is that a true statement, that that's what  
17 the Brady list is about?

18 A. I have no idea. I don't -- I mean,  
19 there's a lot of nuances to the Brady list. This is  
20 somebody who is summing it up, it appears. So I  
21 wouldn't be able to comment on the truthfulness of  
22 that or accuracy of that statement.

23 Q. Do you believe that an officer -- their  
24 background or history for truthful or untruthfulness  
25 is material to evidence in a criminal trial against

1 the criminal defendants?

2 MR. SIMON: Objection. That  
3 definitely calls for a legal conclusion.

4 A. Again, I wouldn't be able to comment on  
5 that. That's like a -- that's a legality that  
6 attorneys deal with and work with and so forth.

7 Q. Okay. If Joe Deters gave a statement to  
8 the media that removed -- he removed you from the  
9 Brady list as a courtesy, was that a true statement?

10 A. It's not.

11 Q. Okay. Are you aware that Caroline Adams  
12 posted criticism of you on social media as a result  
13 of the fact that you were on the Brady list and had  
14 two entries on it?

15 A. I -- I don't know.

16 Q. Do you --

17 A. I mean, I really don't know.

18 Q. Do you recall anyone telling you about  
19 that?

20 A. People told me lots of things about  
21 different posts. And as I told you, when people  
22 began to tell me things, I oftentimes would say  
23 don't tell me, I'm not interested in it, I don't  
24 care.

25 Q. Why did you call Caroline Adams a troll;

1 what did you mean by that?

2 A. So what I meant by that is when people  
3 were coming up to me after I was elected is when I  
4 became actually aware that there were things on  
5 social media, because people were telling me things.  
6 And I know that the common verbiage for someone like  
7 that is a troll. That's what the -- whatever the  
8 phrase we use now. And so, yeah, I referred to a  
9 troll.

10 Q. Okay. You would agree that having an  
11 employee end up on the Brady list would be publicly  
12 embarrassing to the Hamilton County Sheriff's  
13 Department?

14 A. I can't comment on that. I have -- I have  
15 no idea what's embarrassing to the Sheriff's  
16 Department. I mean. . .

17 Q. Let me ask you this. If -- as Sheriff of  
18 the Hamilton County Sheriff's Department, you're the  
19 sheriff --

20 A. Uh-huh.

21 Q. -- if one of your deputies ended up on the  
22 Brady list because of dishonesty --

23 A. Uh-huh.

24 Q. -- would you think that would reflect well  
25 on the Hamilton County Sheriff's Department?

1           A. I think there would be questions regarding  
2 that deputy, that deputy's tenure, what that deputy  
3 did. I think most people, in my opinion, understand  
4 that one deputy doesn't represent an entire  
5 sheriff's office.

6           Q. Would you agree that having an elected  
7 sheriff appear on the Brady list is an issue of  
8 public concern?

9           A. Again, I can't comment because that's a  
10 hypothetical. It didn't happen.

11          Q. Well, you did appear on the Brady list,  
12 correct?

13          A. Not when I was sheriff.

14          Q. Okay. So at no point -- when did you get  
15 elected -- first get elected?

16          A. 2020.

17          Q. Okay. So at no point from 2020 to the  
18 present have you ever been on the Brady list?

19          A. No, sir.

20          Q. Okay. In June of 2023 you were pulled  
21 over by a Clermont County Sheriff's Deputy going 72  
22 in a 55; is that correct?

23                   MR. SIMON: Can I have --

24                   MR. BRUNS: Yes.

25                   MR. SIMON: -- a continuing objection

1 continuing to the line of questioning?

2 MR. BRUNS: Go ahead.

3 A. Yes, I was.

4 Q. All right. Does going 17 miles per hour  
5 over the legal limit involve an issue of public  
6 safety?

7 A. I think there are speed limits for a  
8 reason. And that is the deputy's job. And those  
9 are the jobs of law enforcement to enforce those  
10 speed limits.

11 Q. All right. My question was, does going  
12 17 miles per hour over the legal limit involve an  
13 issue of public safety?

14 A. Again, it's a broad question. I'm telling  
15 you that I -- it's a violation, I know that. And,  
16 yes, I violated the speed limit law.

17 Q. And that involved an issue of public  
18 safety, fair?

19 A. Again, you're asking me to -- to make  
20 broad statements that I cannot factually make. I  
21 can tell you that it's a law. I can tell you I  
22 violated that law clearly. And how the law was  
23 written, why it was written, and all of those  
24 things, I'm -- I can't comment on.

25 Q. All right. When that happened, that issue

1 was covered by local media, correct?

2 A. It was.

3 Q. All right. I'm handing you what's been  
4 marked as Plaintiffs' Exhibit 4.

5 A. Uh-huh.

6 Q. Take a moment to read that and I have some  
7 questions for you.

8 A. Uh-huh. Okay.

9 Q. All right. Do you recall that The  
10 Enquirer reported on that incident when it happened?

11 A. I hadn't read this. But, yes, it appears  
12 to be The Enquirer reported on it.

13 Q. Okay. Well, the article actually quotes  
14 you, so --

15 A. Oh, yes. I was interviewed for it.

16 Q. All right. And the article reflects that  
17 you were traveling east on Ohio 32 toward Batavia  
18 Road just before 1:00 p.m. You were pulled over  
19 doing 72 in a 55. Is that all accurate?

20 A. That's accurate.

21 Q. Okay. And then it says, McGuffey handed  
22 him her license and said she was the Sheriff of  
23 Hamilton County. Is that accurate; did you do that?

24 A. That's accurate.

25 Q. All right. And why did you tell him as

1 you were handing over your license for getting  
2 pulled over for 72 in a 55 mile per hour zone -- why  
3 did you tell him that you were the Sheriff of  
4 Hamilton County?

5 A. Because I was armed. I was carrying a  
6 firearm.

7 Q. Okay. You weren't telling him that in any  
8 way, shape, or form to try and get out of the  
9 ticket?

10 A. No. I was armed.

11 Q. All right. And then in the article it  
12 says, quote, I'm not a superhero. I'm a person just  
13 like everyone else, closed quote, McGuffey said. Do  
14 you see that?

15 A. I do see that.

16 Q. Why did you say that to The Enquirer?

17 A. Because it's true. That's why.

18 Q. Why did you bring up the context of I'm  
19 not a superhero?

20 A. I think that there are people who make  
21 judgments about police officers in general. And I  
22 oftentimes like to remind people that police  
23 officers are human just like everybody.

24 Q. All right. If this was perceived as an  
25 issue of you breaking the law and then identifying

1 yourself as the sheriff in an effort to get out of  
2 the speeding ticket, you would agree that would be  
3 an issue of public concern?

4 A. Again, a hypothetical I cannot answer.

5 Q. All right. So you don't think the public  
6 should be concerned if their sheriff goes 72 in a 55  
7 and then tries to get out of the ticket by telling  
8 the officer she happens to be the sheriff?

9 MR. SIMON: Objection. Lack of  
10 foundation. Argumentative. Totally  
11 irrelevant.

12 You can try to answer.

13 A. It's what you're saying.

14 Q. I'm saying you're -- I'm asking you, if  
15 that's the perception, you would -- that you were  
16 trying to get out of that ticket by telling the  
17 officer as you handed him your license I'm the  
18 Hamilton County Sheriff, if that's the public  
19 perception of you, then you would agree that is an  
20 issue of public concern?

21 MR. SIMON: Same objection.

22 A. If you're making up a hypothetical, which  
23 you are, I can't comment on that.

24 Q. Okay. So you have no opinion as to  
25 whether it would be appropriate for a sheriff to do

1 what I just said?

2 MR. SIMON: Same objection.

3 A. Your hypothetical example I have no  
4 opinion on because it didn't happen.

5 Q. I didn't ask whether it happened. I just  
6 asked, you have no opinion; is that true?

7 MR. SIMON: Objection. Let's move  
8 on, Counselor.

9 Q. Is that true?

10 A. Can you repeat it again?

11 Q. Sure. You have no opinion whether it  
12 would be appropriate for an elected sheriff who got  
13 pulled over doing 55 -- or 72 miles per hour in a  
14 55 mile per hour zone to then tell the officer, hey,  
15 I'm a sheriff in an effort to get out of the ticket  
16 --

17 MR. SIMON: Objection.

18 Q. -- you have no opinion whether that's  
19 appropriate or not appropriate?

20 A. Because it's not based in reality, no, I  
21 don't have an opinion.

22 Q. All right. Have you ever communicated to  
23 anyone at the Hamilton County Sheriff's Department  
24 that you dislike Caroline Adams' criticisms of you?

25 A. Not to my knowledge.

1 Q. All right. Let me ask you generally just  
2 about Jason Davis. We talked about your interaction  
3 with him in his career. Other than what we talked  
4 about earlier today --

5 A. Uh-huh.

6 Q. -- do you have any recollection of  
7 interactions with him?

8 A. When I first became the major, he came  
9 down to my office. We were just, you know, talking  
10 about union business, things like that. I noticed  
11 he -- his attendance pin, some of the stars had  
12 fallen off of it or whatever. It seemed to be -- it  
13 was like in broken repair. So I mentioned it to  
14 him. And he said that the prior administration  
15 wouldn't give him a new one. And I said, well,  
16 let's make sure we get you a new one. And that's  
17 what we did.

18 Q. Okay. Do you remember any other  
19 interactions?

20 A. No.

21 Q. All right. Sheriff, I'm handing you  
22 what's marked as Plaintiffs' Exhibit 9.

23 A. Uh-huh.

24 Q. And I just have a couple of questions  
25 about this.

1 A. Okay. Okay.

2 Q. All right. I'll represent to you that  
3 this was produced in discovery with your responses.  
4 And it's something from the personnel file of Jason  
5 Davis's or in the County's responses. And it  
6 reflects a promotion to the enforcement division in  
7 October of 2014.

8 And just generally speaking, that is a  
9 promotion, correct?

10 A. Uh-huh. Yes.

11 Q. Okay. And then if you turn to the second  
12 page of that document --

13 A. Uh-huh. Okay.

14 Q. -- it talks about job duties --

15 A. Yes.

16 Q. -- and then also minimum acceptable  
17 characteristics, right?

18 A. Yes.

19 Q. And then under the column for  
20 characteristics, the second paragraph, it says,  
21 Ability to develop and maintain a working  
22 relationship with associates, superiors, and general  
23 public. Did I read that correctly?

24 A. Yes. Uh-huh.

25 Q. It also says in there to exercise sound

1 judgment. Did I read that accurately?

2 A. Yes.

3 Q. Okay. And then at the bottom it also  
4 talks about prepare and present testimony in court,  
5 right?

6 A. Yes.

7 Q. Okay. And you would agree with me that  
8 collectively these job responsibilities involve  
9 issues of comradery and teamwork, fair?

10 A. Correct. I would think, yeah.

11 Q. Trustworthiness and honesty, fair?

12 A. That's implied, yes.

13 Q. And if an officer is lacking in any of  
14 those issues -- in any of those areas, I should say,  
15 that should be documented in his yearly evaluation,  
16 correct?

17 A. That would be my assumption, yes.

18 Q. Okay. And if you go to the next page --

19 A. Uh-huh.

20 Q. And was that your experience, that --  
21 coming up through the Sheriff's Department, that's  
22 the kind of stuff that got covered in yearly  
23 evaluations, if you were lacking in those areas?

24 A. I mean, we have evaluations for a reason.

25 And that is to document your ability to do these and

1 meet the standard or you're not doing them, quite  
2 frankly.

3 Q. Right. And that includes things like  
4 comradery, team work, responsibility,  
5 trustworthiness, and honesty?

6 A. I don't know that we measure comradery,  
7 but yes.

8 Q. Okay. And then if you go to that next  
9 page --

10 A. Okay.

11 Q. -- Jason Davis was on a 12-month  
12 probationary period, right, with his promotion?

13 A. Yes.

14 Q. Okay. And the purpose of that  
15 probationary period is to determine if he actually  
16 has the qualities that we discussed, those ones that  
17 are required for successful completion of the job?

18 A. Yes.

19 Q. Okay. And if he doesn't have those  
20 qualities after that 12-month probationary period,  
21 he should not be a Hamilton County Sheriff's Deputy,  
22 right?

23 A. Well, then the -- you know, at the time  
24 the sheriff can decide what he'd like to do about  
25 that.

1           Q.    Okay.  But if they don't have those  
2 qualities, that's not someone you would want working  
3 for you; is that fair?

4           A.    Well, that's a very vague question.  I'm  
5 just saying that if they don't pass their  
6 probationary period, there are options that the  
7 sheriff can take to retrain them up, extend their  
8 probation, send them back to their previous  
9 classification, so. . .

10          Q.    All right.  Ultimately Jason Davis was --  
11 as we discussed, he was promoted to patrol, right --  
12 that's the law enforcement --

13          A.    Yes.

14          Q.    -- promotion --

15          A.    Here.  It documents it, right.  Yes.

16          Q.    All right.  And not everyone who comes  
17 from corrections and applies to patrol gets that  
18 promotion, correct?

19          A.    Right.  That's correct.

20          Q.    All right.  As a patrol officer Jason  
21 Davis did not act as any sort of official  
22 spokesperson for the Hamilton County Sheriff's  
23 Office?

24          A.    Not to my knowledge.

25          Q.    All right.  And his assigned duties did

1 not include acting as a spokesperson, correct?

2 A. Not to my knowledge.

3 Q. All right. And as a patrol officer he was  
4 not a direct report to you, correct?

5 A. Right. That's correct.

6 Q. And he didn't have a policy-making role  
7 for Hamilton County?

8 A. No. That's correct.

9 Q. Okay. Approximately how many employees  
10 does the Hamilton County Sheriff's Office employ?

11 A. Approximately 900.

12 Q. Okay. How has that changed over the last  
13 three years?

14 A. Well, we've had some -- I guess I'll call  
15 it, you know, fluctuating numbers.

16 Q. Sure. What's the range?

17 A. The -- oh, I wouldn't be able to tell you  
18 number-wise, but I can tell you that we've improved  
19 our recruiting, we've worked on those numbers. Law  
20 enforcement across the nation is having trouble  
21 recruiting, and we have -- we've really focused on  
22 that and worked on that, and our recruiting levels  
23 are very high.

24 Q. Sheriff, I'm going to hand you what's been  
25 marked as Plaintiffs' Exhibit 10.

1 A. Okay.

2 Q. And take a moment to look at that.

3 A. Okay. Okay. It's an evaluation, yes.

4 Q. All right. And I had a couple of  
5 questions for you about that.

6 A. Okay.

7 Q. Did you play any role in his evaluations  
8 during -- at any time he was employed by the  
9 Hamilton County Sheriff's Department -- Jason Davis?

10 A. When he was a jail service officer, I  
11 would have signed off on the final evaluations.

12 Q. Okay.

13 A. I mean, as they moved up the chain.

14 Q. Okay. So after 2014 you would have been  
15 uninvolved? We just documented that's when he went  
16 to patrol.

17 A. Oh, yeah. Once he went to patrol, yeah, I  
18 would have no -- yeah.

19 Q. All right.

20 A. No.

21 Q. And in the evaluations there's a scale or  
22 a score that's given.

23 A. Uh-huh.

24 Q. Is there any sort of rating scale in  
25 writing that documents the numerical score and what

1 it means?

2 A. On this particular style of evaluation, I  
3 don't think -- you know what, there is a booklet  
4 that is a companion -- that was a companion to this  
5 when we very first moved to this type of evaluation  
6 that outlined, you know, each of these categories  
7 and what that meant.

8 Q. Sure. And then did the booklet also cover  
9 the range in terms of the scoring?

10 A. Oh, you mean shooting -- shooting range?

11 Q. No.

12 A. Oh.

13 Q. The range of scores in the sense of --

14 A. Oh, the -- yes, it did.

15 Q. Okay.

16 A. Uh-huh. Sure.

17 Q. And to your understanding what was that  
18 range of scores that someone could get? If you  
19 don't remember --

20 A. Yeah, I couldn't -- you know, I couldn't  
21 tell you what the highest score was.

22 Q. All right. Do you recall what --  
23 generally speaking, what would be a good score  
24 versus a bad score?

25 A. In general I'd say -- you know, I've seen

1       scores as low as like nine, you know, ten. I mean,  
2       that's a super low score. That's my memory.

3           Q.     Okay.

4           A.     So. . .

5           Q.     Beyond that -- who would know at the  
6       Hamilton County Sheriff's Department what those  
7       questions -- right, the -- what the categories  
8       entail, what the range of scores mean, why you would  
9       give a particular score versus another score; who  
10      would have that knowledge?

11       A.    Well, I would think the evaluators, the  
12      sergeant, the first-line supervisors for sure, and  
13      likely the lieutenants would need to have the  
14      knowledge of that.

15       Q.    All right. We were not provided all of  
16      the rating periods --

17       A.    Okay.

18       Q.    -- for his tenure. Do you have any idea  
19      why we didn't get them all?

20       A.    I would not know.

21       Q.    All right. Are you personally aware of  
22      any time period when Jason Davis did not meet or  
23      exceed expectations for his job?

24       A.    I have no knowledge of that.

25       Q.    All right. In Exhibit 10 --

1 A. Uh-huh.

2 Q. -- okay, if you go to the eighth page in  
3 and at the top it should say Additional Comments.

4 A. What does it begin with in the Comments;  
5 during this rating period?

6 Q. During this rating period.

7 A. Yes, I have it.

8 Q. Okay. You're there. And it says, During  
9 this rating period, Enforcement Officer Davis  
10 received a divisional commendation for assisting  
11 coworkers during an incident with a subject with  
12 psychiatric issues and a gun. Did I read that  
13 accurately?

14 A. Correct.

15 Q. What is a divisional commendation?

16 A. So a divisional commendation is some --  
17 well, we have two. Squad commendation and  
18 divisional commendation. So divisional commendation  
19 is a very high level commendation, because it means  
20 that for that entire division you have acted  
21 exceptionally.

22 Q. Okay. And here he got a divisional  
23 commendation. It says, During this incident  
24 enforcement Officer Davis used great restraint and  
25 patience and was able to resolve the incident

1 peacefully. And it was an incident involving  
2 someone with psychiatric issues and a gun, right?

3 A. Uh-huh. Yes.

4 Q. Okay. Do you know how many of those  
5 divisional commendations are awarded annually?

6 A. Oh. I wouldn't -- I wouldn't even be able  
7 to guess, because it fluctuates year to year. I'm  
8 sorry.

9 Q. Okay. Do you know?

10 A. No, I don't know.

11 Q. All right. Who might know that within the  
12 Hamilton County Sheriff's Department?

13 A. Well, someone who researches and goes back  
14 through everyone's file to find out who got a  
15 divisional commendation.

16 Q. Okay. Who is the decision maker on  
17 divisional commendations?

18 A. That is signed off by the sheriff  
19 ultimately.

20 Q. Okay. So the -- whoever the sheriff in  
21 2019, that's when this one was --

22 A. Uh-huh.

23 Q. -- that's who signs off on it?

24 A. Yes. That's who ultimately signs off on  
25 it, yeah.

1 Q. If Jay Gramke testified that there were  
2 approximately 15 per year over the entire  
3 department, do you have any reason to dispute that?

4 A. Fifteen divisionals over --

5 Q. No.

6 A. -- the entire department?

7 Q. Yeah.

8 A. I would have -- I cannot verify that  
9 information.

10 Q. Okay. And then if you turn the page --

11 A. Uh-huh.

12 Q. -- from the page you were just at, the  
13 next page --

14 A. Okay. Yeah. All right. Got it.

15 Additional Comments, right -- or no. Wait a minute.

16 Q. We were on Additional Comments.

17 A. Yes.

18 Q. Go to the next --

19 A. Hold on.

20 Q. -- page.

21 A. That is an evaluation.

22 Q. That's right.

23 A. Okay.

24 Q. And the date on that is 6/17/21; do you  
25 see that?

1 A. I do see that.

2 Q. All right. And if you go down to the  
3 comments section --

4 A. Uh-huh.

5 Q. Well, first of all, his overall score is  
6 17.

7 A. Okay.

8 Q. And would you agree with me that 17 is a  
9 pretty good score?

10 A. I'd say it's -- you know, it's definitely  
11 not low.

12 Q. Okay. And in there, in the comments  
13 section, second sentence --

14 A. Uh-huh.

15 Q. -- Officer Davis is one of the more  
16 veteran officers on the squad and is often relied  
17 upon by his coworkers for guidance and assistance.

18 Did I read that correctly?

19 A. Yes. Yes.

20 Q. Who is responsible for that -- putting  
21 that in the comments?

22 A. The sergeant here who graded this  
23 evaluation. I can't read his name. But that's a  
24 sergeant's signature.

25 Q. Okay.

1 A. I would assume.

2 Q. And would you expect that's the person who  
3 knows Jason Davis best in terms of his work?

4 A. His first-line supervisor, yes.

5 Q. All right. And then did you sign off on  
6 this?

7 A. I did not.

8 Q. Okay. There is a line for a Chief Deputy  
9 and Sheriff on this form, and I don't see either  
10 signature. Do you know why you didn't sign off on  
11 this one?

12 A. I do. So the Chief Deputy -- when we came  
13 on, he and I were in conversation regarding the flow  
14 of documents and paperwork and all the things that  
15 he signed and so forth. And we decided to -- the  
16 Chief requested for me that he create a new model  
17 for that so that we were not bogged down with  
18 hundreds of these and not able to pay attention to  
19 all the other heavy lifting we did.

20 So what he explained to me is that he was  
21 going to put more of the responsibility on the  
22 division commanders for signing off on these evals.  
23 Now, I'm not sure why he didn't sign it, if that was  
24 a part of his reorganization. I assume that is or  
25 if it just somehow didn't get to him. I don't know.

1           Q.    Okay.  Do you have any personal knowledge  
2   of any performance or job-related problems with  
3   respect to Jason Davis while he was a patrol officer  
4   with the Hamilton County Sheriff's Office?

5           A.    No, I do not.

6           Q.    Okay.  All right.  Sheriff, I'm handing  
7   you what's been marked as Exhibit 12 -- Plaintiffs'  
8   Exhibit 12.

9           A.    Uh-huh.

10          Q.    Do you recognize this as a personnel order  
11   issued by Jay Gramke?

12          A.    Yes.  Effective January 13, 2023.

13          Q.    All right.  And is this the promotional  
14   list for corporal that Jason Davis was on?

15          A.    It's a promotional list for corporal.  I  
16   -- it's the results of a corporal's test, it  
17   appears.

18          Q.    Sure.

19          A.    Yes.

20          Q.    And look at Rank No. 19.

21          A.    Oh.  Okay.  Jason Davis's name does  
22   appear.

23          Q.    Okay.  And does this list only come out  
24   when there are vacancies for corporal?

25          A.    Yes.  When we're anticipating vacancies,

1 we can give a test because, you know, all that stuff  
2 takes a long time, so yes.

3 Q. How long does this -- when this list was  
4 issued, it says effective date January 13, 2023.

5 A. Uh-huh.

6 Q. How long was this list effective for?

7 A. Two years is what I understand is our --  
8 you know, our list -- our exam list.

9 Q. All right.

10 A. Promotion list, I meant to say.

11 Q. Was this list, in fact, kept for two  
12 years?

13 A. To my knowledge, yes.

14 Q. Okay. Do you personally -- do you have  
15 personal knowledge as to how many people off this  
16 list were promoted to corporal; in other words, who  
17 you recognize on this list?

18 A. Well, what I recognize on this list is --  
19 are men and women who were already making corporals  
20 pay and working in assignments that were  
21 technically -- technically corporal assignments  
22 without carrying the actual rank.

23 Q. That wasn't my question. My question  
24 simply was, do you know who actually -- which of  
25 these folks were promoted to corporal?

1           A. Many of them were by -- because we had a  
2 promotion ceremony. And we did promote many of  
3 these people. And as I said, the reason being they  
4 were already making the pay, et cetera. We wanted  
5 them to have the chevrons, to have the rank to go  
6 with it.

7           Q. And who do you see on this list who had  
8 already been promoted to corporal?

9           A. So Caroline Kotlas I recall. And, again,  
10 my memory -- I know I promoted a number of these  
11 people. If not -- let's see. When was this, '23.  
12 So. . .

13          Q. Let me ask you this way.

14          A. I mean, I would say some of them I  
15 recognize, yeah.

16          Q. Sure. Let me ask you this way. Do you  
17 recognize any names below 19; do you recognize any  
18 names below 19 -- so 20 down to 33, do you recognize  
19 any of those names who got promoted to corporal?

20          A. I really -- I couldn't say. I don't  
21 recall the actual events for any of these people.  
22 So I'd have to look at a promotional list or -- you  
23 know, but I can't recall.

24          Q. All right. I'm going to hand you what's  
25 been marked as Exhibit 14 -- Plaintiffs' Exhibit 14.

1 A. Okay.

2 Q. Take a moment and look at that.

3 A. Uh-huh. Okay. Yes. Hang on. It appears  
4 to be Facebook remarks and so forth. And then this  
5 looks like a HCSO press conference Facebook, so --  
6 okay.

7 Q. So my question to you is, have you ever  
8 seen this Facebook post that was done by Jason Davis  
9 on May 15 of 2022? I just handed it to you. Have  
10 you ever seen it before?

11 A. This one?

12 Q. Yes.

13 A. No, I have not seen this.

14 Q. All right. And the post reflects that  
15 Fox19 covered the charity football game that helped  
16 out families of first responders that Jason Davis  
17 organized, correct?

18 A. Okay. Yes. It appears, yeah.

19 Q. All right. And you would agree that media  
20 coverage around this game and participation of it  
21 was an issue of public concern, people were --

22 A. Again, I think --

23 MR. SIMON: Objection.

24 A. -- the public would be interested in it.

25 Sure.

1 Q. All right. And if Jason Davis contends or  
2 states that this post was made on his own time when  
3 he was off the clock, do you have any personal  
4 knowledge that that's not true?

5 A. I would have no idea.

6 Q. All right. And you would agree that this  
7 post is not an official Sheriff's Office account or  
8 post, correct?

9 A. Correct.

10 Q. All right. And if you look at the  
11 comments that were made on this post, one of the  
12 comments -- if you turn to the next page --

13 A. Uh-huh.

14 Q. -- it's a comment from Itsa Krakken; do  
15 you see that?

16 A. Hang on. Let me -- it's on the second  
17 page, you say?

18 Q. Yeah.

19 A. Oh. Yeah. Here it is.

20 Q. Okay.

21 A. Uh-huh.

22 Q. And part of that post says you guys all  
23 did an outstanding job, exclamation point, correct?

24 A. Yes. That's right.

25 Q. You would agree that that fundraiser

1       brought good will to the Hamilton County Sheriff's  
2       Department?

3           A.     It appears so.

4           Q.     In fact, the next comment was awesome  
5       event, great job to all involved, right?

6           A.     Yeah. There's a lot of good comments  
7       about it.

8           Q.     Okay. And then one of the comments was  
9       from someone named Paul Nabers, if you turn to the  
10      next page --

11          A.     Okay.

12          Q.     -- or Paul Naber. Do you know --

13          A.     Yeah.

14          Q.     -- Paul Naber?

15          A.     I do.

16          Q.     Okay. Who is Paul Naber?

17          A.     He is now a lieutenant with our  
18      department.

19          Q.     All right. And Paul Naber's comment was,  
20      Needs more advertising intradepartmental. Never  
21      knew about this game until now. Do you see that?

22          A.     Yes.

23          Q.     All right. And then do you see where  
24      lower down on that same page Jason Davis responded  
25      to Paul Naber?

1 A. I do, yes.

2 Q. And the post was, Our department didn't  
3 support it. No county items were used to advertise  
4 this game. Flyers were taken down from briefing  
5 room. Do you see that?

6 A. I do see that.

7 Q. Okay. Do you have any personal knowledge  
8 that that isn't a true statement, what is posted  
9 there?

10 A. I have no knowledge that that's factual at  
11 all.

12 Q. Okay. You don't know one way or the  
13 other?

14 A. Right.

15 Q. All right. And then it says, Flyers were  
16 taken down from briefing rooms. That's part of what  
17 you don't -- you don't have any knowledge whether  
18 that ever happened or didn't happen?

19 A. No, I don't know.

20 Q. All right. If you had known that someone  
21 had taken down the flyers advertising that game from  
22 briefing rooms, would that -- would you have had a  
23 problem with that?

24 A. Again, hypothetical, I have no idea where  
25 the flyers would have been posted in the briefing

1 room, if they were actually on the bulletin board,  
2 if they were taped to people's doors, if they were  
3 in the bathrooms. I have no idea.

4 Q. Okay. I mean, do you have any problem  
5 with flyers being put up in the briefing room  
6 advertising intradepartmentally something like a  
7 Remember the Fallen charity football game?

8 A. Well, what I can tell you is a very, very  
9 long time ago there was concern about managing  
10 bulletin boards in briefing rooms. And I know --  
11 and, again, I'm going back decades -- it was  
12 assigned to the sergeants to make sure that the  
13 bulletin boards were appropriate, to make sure that  
14 things were actually in line, and that sort of  
15 thing. And that's really all I know about bulletin  
16 boards or the briefing room.

17 Q. Once you found out about the charity  
18 football game and it was a fundraiser, why and who  
19 it was raising funds for, were you proud that Jason  
20 Davis had pulled that off?

21 A. Well, I found out about the charity  
22 football game, but honestly I never understood it.  
23 I didn't -- I got bits and pieces of what it was  
24 mainly because Jay explained it to me, because I  
25 asked questions, what was it, when was it, why

1 didn't we -- did we participate. I knew nothing  
2 about it. And then the answers I got were kind of,  
3 you know, sparse. So I still am not real clear  
4 except for what you tell me as to how that went.

5 Q. Okay. Well, if you look at the screenshot  
6 from Fox19 --

7 A. Uh-huh.

8 Q. -- it says, Charity Football Game Helping  
9 Out Families of First Responders. Let's assume  
10 that's true. If Jason Davis organized it, helped  
11 raise the funds for it, got the word out, pulled it  
12 off, right, the game happened and then got media  
13 coverage of it --

14 A. Uh-huh.

15 Q. -- wouldn't -- you as the Hamilton County  
16 Sheriff, would that make you proud that he did that?

17 A. I think it's a very good thing. I think  
18 it reflects -- I think it reflects well on our  
19 department. I'm proud of everything our deputies do  
20 that is in the positive.

21 Q. Okay. And in terms of the posts and  
22 particularly Jason Davis's post on his Facebook page  
23 in response to Paul Naber --

24 A. Uh-huh.

25 Q. -- you would agree that he wasn't airing

1 any sort of grievance about job -- his job  
2 conditions?

3 MR. SIMON: Objection. Vague and  
4 ambiguous.

5 You can answer.

6 A. It appears what he is saying is is  
7 complaining about job conditions here, it appears.

8 Q. Okay. Sure. So you don't like to  
9 speculate, so what are you saying that is about his  
10 job condition?

11 A. Well, he is -- he states here our  
12 department didn't support it.

13 Q. Okay.

14 A. So. . .

15 Q. And it's referring to a charity football  
16 game that he did on his own time?

17 A. I assume.

18 Q. Right. So what job condition --

19 A. Well, he then reflects that flyers were  
20 taken down from the briefing rooms.

21 Q. Okay.

22 A. So I -- those are -- that's a job  
23 condition that -- you're asking my opinion. It  
24 sounds like he is very dissatisfied with the fact  
25 that at work we -- someone isn't -- isn't supporting

1       this -- this thing, this event that he's doing.

2           Q.     Okay. But that wasn't a condition imposed  
3       by his employer, right?

4           A.     That he do that?

5           Q.     That any of that occur.

6           A.     Well, that he organized it.

7                   MR. SIMON: Objection. Objection  
8               calls for a legal conclusion. Vague and  
9               ambiguous.

10          A.     Yeah, we didn't --

11                   MR. SIMON: You can answer.

12          A.     We didn't tell him he had to organize it  
13       certainly.

14          Q.     Right. And it wasn't a job condition that  
15       flyers be taken down, right?

16                   MR. SIMON: Objection.

17          Q.     Is that correct -- it wasn't a condition  
18       of his employment that any flyer he put up in a  
19       briefing room about a charity football game had to  
20       be taken down, right?

21          A.     Well, he -- he's complaining about it, so  
22       I don't know what you mean. I mean, it's not -- we  
23       don't -- it's not in the policy and procedures that  
24       if there's a flyer up, we have to take it down from  
25       the briefing room, no.

1 Q. Right. That's not a condition of his job.  
2 And likewise, it's not a condition of his job that  
3 the department doesn't support charity functions  
4 that he engages in on his own time; that's not a  
5 condition of his job, right?

6 A. We are not -- yeah. We're not asking him  
7 to do that.

8 Q. All right. Is it fair to say that  
9 generally speaking Jason Davis's working  
10 relationships would have been with his immediate  
11 corporal and sergeant?

12 A. Yes. I'd say that's right.

13 Q. All right. And then other officers he  
14 encountered on shift?

15 A. Correct.

16 Q. Are you aware of anyone else Jason Davis  
17 had a working relationship with during his career at  
18 the Hamilton County Sheriff's Department as a patrol  
19 officer?

20 A. No, I'm not.

21 Q. Do you have any personal knowledge -- and  
22 I'm talking about this Facebook post by Jason  
23 Davis --

24 A. Uh-huh.

25 Q. -- do you have any personal knowledge that

1 his Facebook post meaningfully interfered with the  
2 performance of his duties at the Hamilton County  
3 Sheriff's Office?

4 MR. SIMON: Objection. Calls for a  
5 legal conclusion.

6 A. I don't think it interfered with his  
7 duties. It cast a -- it cast, you know, a negative  
8 light on the department in that. When I read this,  
9 that's what I would think.

10 Q. Do you know if anyone else drew that  
11 conclusion?

12 A. I have no idea.

13 Q. All right. So you don't know how it would  
14 have been perceived departmentally?

15 A. I don't. Uh-uh.

16 Q. Do you have any personal knowledge that  
17 Jason Davis's post -- his Facebook post undermined a  
18 legitimate goal or a mission of the Hamilton County  
19 Sheriff's Department?

20 MR. SIMON: Objection.

21 A. No, I don't have any knowledge of that.

22 Q. All right. Do you have any personal  
23 knowledge that Jason Davis's post caused any  
24 disruption in the operations of the Hamilton County  
25 Sheriff's Department?

1 A. I have no knowledge of that.

2 Q. All right. Do you have any personal  
3 knowledge that Jason Davis's post created any  
4 disharmony amongst his fellow officers?

5 A. I have no knowledge of that.

6 Q. Do you have any personal knowledge that  
7 Jason Davis's post impaired the ability of his  
8 supervisors to discipline him?

9 A. No knowledge of that.

10 Q. All right. Do you have any personal  
11 knowledge that Jason Davis's post impaired any  
12 working relationships within the Hamilton County  
13 Sheriff's Office?

14 A. No knowledge of that.

15 Q. All right. And do you have any personal  
16 knowledge that Jason Davis's post impaired  
17 discipline and harmony?

18 A. No knowledge of that.

19 Q. Assuming Itsa Krakken is Caroline Adams  
20 and she posted on his Facebook page --

21 A. Yes.

22 Q. -- you're not saying that Jason Davis was  
23 associating with her because Itsa Krakken posted on  
24 his Facebook page, are you?

25 A. I'm not saying anything about it, because

1 I didn't know about it until just now here looking  
2 at it.

3 Q. All right. And even knowing about it now,  
4 that doesn't mean he's somehow associated with her  
5 because she posted on his Facebook page?

6 A. Anybody, as I understand, can post on  
7 someone's Facebook page. So I think that stands to  
8 reason.

9 Q. All right. In fact, do you have any  
10 personal knowledge whether Jason Davis has ever  
11 communicated, interacted, associated with in any way  
12 Caroline Davis -- or Caroline Adams?

13 A. I have no knowledge of that.

14 Q. Take a moment to take a look at that.

15 A. Okay. Yes. All right.

16 Q. All right. And you -- at some point you  
17 had posted on the Hamilton County Sheriff's Office  
18 Facebook that the number one priority for the  
19 Sheriff's Office was COVID-19; is that -- do you  
20 recall that?

21 A. Yes. I believe that was -- we posted that  
22 after I actually had a press conference and said  
23 that.

24 Q. Okay. And the Facebook page was open to  
25 the public for comments --

1 A. It was.

2 Q. -- correct?

3 A. Uh-huh.

4 Q. All right. Is that a yes?

5 A. Yes. Yes, it was.

6 Q. Is it still open?

7 A. No, it is not.

8 Q. When was the decision -- when was it --

9 that changed, when?

10 A. I made the decision to change that --  
11 gosh, I'm going to say about two years ago, it might  
12 have been, somewhere in that ballpark.

13 Q. And why; why did you make that decision?

14 A. Because I think that there are lots of  
15 people out there who when they can hide behind, you  
16 know, the keyboard, they make lots of disparaging  
17 comments. And sometimes they named deputies. They  
18 make disparaging comments about them. They'll --  
19 you know, and it's very difficult for the people  
20 that work at our agency as police officers to work  
21 under that duress. I think it creates -- I know it  
22 creates a great deal of angst. And I think it  
23 affects morale. So I stopped -- I stopped -- I  
24 stopped it.

25 Q. Okay. Assuming this is a screenshot of

1 comments from Jennifer Patterson Davis about  
2 COVID-19 being the number one priority of the  
3 Sheriff's Office, are you aware of any other posts  
4 by Jennifer Patterson Davis on the Hamilton County  
5 Sheriff's Facebook page?

6 A. I would have no knowledge.

7 Q. Did you even know about these?

8 A. No, I did not.

9 Q. Okay. Assuming Jennifer Patterson Davis  
10 is my client, Jennifer Davis --

11 A. Uh-huh.

12 Q. -- and she's married and was married to  
13 Jason Davis --

14 A. Yes.

15 Q. -- you would agree with me that the  
16 comments that you see under that name --

17 A. Uh-huh.

18 Q. -- on this Exhibit 15 --

19 A. Uh-huh.

20 Q. -- she's entitled to voice those opinions?

21 A. Yes. I think anyone is entitled to their  
22 opinion.

23 Q. Okay. And you would agree with me that  
24 the priorities of the Hamilton County Sheriff's  
25 Department are an issue of public concern?

1           A. I think they are of interest to the  
2 public.

3           Q. All right. And certainly officer safety  
4 and the priority of officer safety in terms of gun  
5 deaths, suicide, exposure to COVID-19, that's all an  
6 issue for public concern, fair?

7           A. Oh. They're very high-ranking issues.  
8 Yes.

9           Q. All right. And certainly how the  
10 Sheriff's Department ranked them in terms of  
11 priority, that's a matter of public concern if the  
12 sheriff is prioritizing them appropriately or  
13 correctly or not in the public's opinion?

14          A. I think the public is interested, yes.

15          Q. All right. And one of the comments in  
16 here it says, In 2020, 304 officers died in the line  
17 of duty and 228 from suicide.

18          A. Uh-huh.

19          Q. That is not a higher health priority than  
20 the number of officers who died from COVID or a  
21 complication listed at 153. Did I read that right?

22          A. So hang on. Let me find that.

23          Q. Sure.

24          A. 2020, died in the line of duty, from  
25 suicide. That is not a higher health priority than

1 the number of officers who died from COVID or  
2 complications. Oh, and then there's a question  
3 mark. So that's not a statement. Okay. Listed at  
4 153. Okay.

5 Q. Do you know if those stats are true,  
6 accurate; do you have any idea?

7 A. I would have no idea.

8 Q. Jennifer Davis, to your knowledge, was  
9 never an employee of the Hamilton County Sheriff's  
10 Department, correct?

11 A. Not that I know of.

12 Q. All right. And you would agree that  
13 nothing on Plaintiffs' Exhibit 15 involves directing  
14 any threats or calls for violence against the  
15 sheriff, correct?

16 A. Against me personally, no.

17 Q. All right. All right. Sheriff, I'm  
18 handing you what's been marked as Exhibit 17. Take  
19 a moment to review that. It's a two-page document.

20 A. Uh-huh. Okay.

21 Q. All right. When you're ready, I have just  
22 a couple of questions.

23 A. Sure.

24 Q. Have you ever seen this document or the  
25 original, any posts like this before?

1           A. I reviewed it as an exhibit, I think.

2 Isn't it an exhibit that's included in our. . .

3           Q. All right. But that was the first time  
4 you saw it?

5           A. Yes. Uh-huh.

6           Q. All right. And then it says,  
7 Apparently -- do you see where -- take a look at --

8           A. Uh-huh.

9           Q. -- the first paragraph.

10          A. Yes.

11          Q. It says, Apparently, there was a morale  
12 survey that went out through the Hamilton County  
13 Sheriff's Office and the results were so terribly  
14 horrific that Sheriff Chaz and her trusty Chief  
15 Deputy decided to tour the netherworlds that we all  
16 call the districts to see if they could try and get  
17 a handle on the awful morale issue plaguing the  
18 Hamilton County Sheriff's Office. Did I read that  
19 correctly?

20          A. Yeah. That's correct.

21          Q. Was there ever any sort of morale survey  
22 that went out through the Hamilton County Sheriff's  
23 Office?

24          A. There was a survey. And I believe it was  
25 Captain Tony Orue had put a survey out to kind of

1 get -- it was early, early on in our tenure -- to  
2 kind of get a temperature of where we were starting  
3 from with deputies' opinions, et cetera.

4 Q. What was the form of the survey?

5 A. I have no -- I didn't take it. I didn't  
6 see it. I just know that it went out.

7 Q. Who sent it out or who prepared it?

8 A. Well, I think, again, that it was  
9 administered by Captain Tony Orue, I think.

10 Q. Okay. And did you ever see the results of  
11 the survey?

12 A. No, I did not.

13 Q. All right. Do you know if he got the  
14 results?

15 A. I assume he did.

16 Q. Okay. The comment that is on this  
17 Facebook post is that the results -- I'm  
18 paraphrasing here -- were terrible, okay?

19 A. Uh-huh.

20 Q. Did you ever get any feedback that the  
21 results from the survey weren't good, they were bad?

22 A. No. In fact, what I was told by the Chief  
23 Deputy is it was just as we thought. Under the past  
24 administration many things had deteriorated. The  
25 deputies were very unhappy with the way things had

1    been run in the last -- what was that -- eight  
2    years, and that we had a good base to start from  
3    now.

4           Q.    Okay. Who at the Hamilton County  
5    Sheriff's Department would have the results of this  
6    survey?

7           A.    I assume Captain Orue, who is now a major.

8           Q.    Okay. If you go down in that post, third  
9    paragraph, In true Chaz fashion; do you see --

10          A.    Uh-huh.

11          Q.    -- where it says that?

12          A.    I do.

13          Q.    It says, She informed the peasants that  
14    they were forbidden from having any contact with  
15    Itsa Krakken. Zero. In addition, those or their  
16    significant others that had the poor judgment to  
17    like or comment on Itsa Krakken's posts would  
18    continue to be properly punished. Do you see that?

19          A.    I do.

20          Q.    All right. First of all, I think we  
21    covered this, but you never said anything in --  
22    Chief Gramke never said anything like that at any of  
23    the meetings in any of the districts?

24          A.    I don't have any memory of that  
25    particular -- you know, what is said there being

1 said. None.

2 Q. So it never happened; you never said it?

3 A. No.

4 Q. All right. And then it says, Allow me to  
5 quote a part of Sheriff Chaz's speech given at one  
6 of the districts. Quote, Itsa Krakken is a fat  
7 troll who sits naked in the dark and makes  
8 derogatory comments. I do not read these comments.  
9 I have people that read them for me. I get tired of  
10 hearing about her comments, so I turned them all off  
11 and I don't care that I'm not allowed to do that.  
12 She can go ahead and sue me over it, closed quotes.

13 First of all, did I read that statement  
14 accurately?

15 A. Yes, you did.

16 Q. All right. Did you say -- since it's a  
17 quote that allegedly is attributed to you in one of  
18 these meetings -- did you say -- ever say anything  
19 like that?

20 A. I said exactly that.

21 Q. Okay. And you remember it?

22 A. Oh, I do.

23 Q. Okay. Do you know if any -- these  
24 meetings that are out in the districts, were they  
25 mandatory meetings, like was there some -- any kind

1 of notice that, hey, we want all the patrol officers  
2 present because the sheriff is coming?

3 A. No. We decided to go out to the  
4 districts. So whenever you do that, you're really  
5 going to kind of get a hit or miss when you're going  
6 to get the guys on duty. I don't want to make guys  
7 get up and come in for a briefing when they're off.

8 So, you know -- I mean, that's just a --  
9 it's just the way it is, try to -- you know, we try  
10 to get as many people there, letting them know we're  
11 coming so that they in -- you know, in case they are  
12 going to skip a briefing, that that might be one  
13 they want to attend. But we don't certainly go  
14 around and ask who is there or who is not.

15 Q. Yeah, was it like at a shift change so  
16 you'd have --

17 A. Yeah. Yeah. There were shift changes.  
18 Uh-huh.

19 Q. Okay. And that was by design so you'd get  
20 the most amount of people there?

21 A. Yeah.

22 Q. All right.

23 A. Uh-huh.

24 Q. Sheriff, I'm handing you what's been  
25 marked as Plaintiffs' Exhibit 16.

1 A. Uh-huh.

2 Q. Take a moment to read that.

3 A. Okay.

4 Q. And the same questions as before. First  
5 of all, had you ever seen this post before?

6 A. Just when I reviewed the exhibits.

7 Q. Okay. And in terms of Jennifer Patterson  
8 Davis making this post, she's entitled to her  
9 opinions, correct?

10 A. Uh-huh. Of course.

11 Q. Okay. And there's no consequence or  
12 accountability to Jason Davis because his wife made  
13 a post, fair?

14 A. I'd say that's a fair statement.

15 Q. And, of course, the post is over things  
16 involving the priorities of the Sheriff's Department  
17 in 2021, correct?

18 A. Yes, it appears so.

19 Q. All right. Did anyone ever inform you  
20 that Jason Davis's wife had been posting?

21 A. No.

22 Q. Chief Gramke never told you that?

23 A. No. I had no -- I had no knowledge of  
24 that. If somebody told me, I don't remember it.

25 Q. The Hamilton County Sheriff's Department

1 social media policy does not apply to spouses of  
2 employees, correct?

3 A. Correct.

4 Q. And it only applied to official accounts,  
5 not personal accounts, correct?

6 A. Official, personal -- I'm a little  
7 confused there.

8 Q. Well, let me ask you this. To your  
9 knowledge Jason Davis never violated the social  
10 media policy of the Hamilton County Sheriff's  
11 Department while --

12 A. I had no knowledge --

13 Q. -- he was employed there?

14 A. -- of it, no.

15 Q. All right. I'm jumping around here a  
16 little bit, because we've talked about a lot --

17 A. Uh-huh.

18 Q. -- already.

19 A. Sure.

20 Q. The RENU position, are you aware of  
21 whether or not it involves significant overtime?

22 A. I know there was some overtime. I don't  
23 know what -- how much of that is --

24 Q. Okay. Were you --

25 A. I'm sorry. That's okay. I just don't

1 know.

2 Q. Were you aware that it involved a  
3 take-home cruiser or a car?

4 A. I don't know what positions are associated  
5 with that, that policy. I don't -- I mean, there  
6 may be positions there where guys do that. I  
7 think -- I know there are. But I don't know if that  
8 applies to everybody.

9 Q. Okay. Who is Kevin Manos?

10 A. Oh, Kevin Manos is an employee. He's a  
11 deputy. In my memory I -- he may be a supervisor as  
12 well.

13 Q. All right. Do you know whether Kevin  
14 Manos is a credible and honest officer?

15 A. I would assume so.

16 Q. You don't have any reason to say  
17 otherwise, fair?

18 A. No. Correct.

19 Q. Okay. We have discussed everything you  
20 remember about the October 10, 2023, meeting with  
21 Jason Davis; is that fair?

22 A. So far.

23 Q. All right. And you have given me every  
24 reason why Jason Davis wasn't promoted to RENU,  
25 correct?

1 A. Well. . .

2 Q. That you're aware of?

3 A. I've given you my opinion as to how I  
4 determined that, yes.

5 Q. Yeah. You don't have any personal  
6 knowledge other than what you've told me?

7 A. Correct.

8 Q. All right. And then your only personal  
9 knowledge about corporal is he was never denied a  
10 promotion to corporal, he just -- if he had stayed,  
11 he would have been available --

12 A. Yeah.

13 Q. -- for the next promotion?

14 A. I believe so. Uh-huh.

15 Q. All right. Do you agree that Jason Davis  
16 always worked really hard in the Hamilton County  
17 Sheriff's Department?

18 A. To my knowledge, yes.

19 Q. All right. Do you agree that as of  
20 October 10, 2023, you always considered him a really  
21 good officer?

22 A. Yes. I'd say that's true.

23 Q. All right. And did you ever tell Jason  
24 Davis that I think you do a great job?

25 A. That's very possible.

1 Q. All right. And do you agree that you  
2 always have a purpose for everything you do as  
3 sheriff?

4 A. Certainly.

5 Q. All right. I understand your knowledge  
6 of -- is limited regarding the Constitution and  
7 things like that. We talked about some of it.

8 A. Yes, we did.

9 Q. But is it fair to say that you knew as  
10 Hamilton County Sheriff that you could not retaliate  
11 against one of your employees in terms of promotions  
12 or job positions, things like that; you could not  
13 retaliate against your employees for things that  
14 their spouse posted on Facebook?

15 A. What I know is we can't retaliate, period.

16 Q. Okay. And that's not something you would  
17 ever do, correct?

18 A. No. Correct.

19 Q. All right. And if you knew that someone  
20 under you, such as your chief deputy --

21 A. Uh-huh.

22 Q. -- was retaliating against one of your  
23 officers because of something that officer's wife  
24 put on Facebook, you would stop that from  
25 happening --

1 MR. SIMON: Objection.

2 Q. -- is that fair?

3 MR. SIMON: Objection. Lack of  
4 foundation. Hypothetical.

5 A. Again, it's a hypothetical. So I -- I  
6 don't feel comfortable answering that.

7 Q. Well, I'm going to -- as part of your  
8 responsibility as sheriff, if you -- you just said  
9 that you would never retaliate against one of your  
10 officers for something their spouse put on Face- --  
11 on social media and you said you can't do that, so  
12 my question is very simple.

13 If you know you can't do it and you  
14 wouldn't do it, if you were aware that one of your  
15 officers underneath you, such as your chief  
16 deputy -- if he was doing that, you would put a stop  
17 to it; is that fair?

18 MR. SIMON: Same objection.

19 A. Again, you're talking in hypotheticals of  
20 that I -- it's not factual. I can't answer that.  
21 There's so many nuances to if, if, if.

22 Q. Okay. Was it your -- as sheriff you set  
23 policy, correct, ultimately?

24 MR. SIMON: Objection. Calls for a  
25 legal conclusion.

1           A. I sign policy. Policy is written in --  
2 you know, in various ways with -- conjunction with  
3 different experts of various subject matter, so yes.

4                   Q.     Right. The buck stops with you in terms  
5     of --

6 A. Yes.

7 Q. -- approving the --

8 A. I sign off on the policy.

9 Q. All right. And do you have a policy at  
10 the Hamilton County -- and did you have a policy at  
11 the Hamilton County Sheriff's Department of  
12 preventing or stopping violations of the  
13 Constitution if they're being carried out by folks  
14 underneath you, or do you have a policy of allowing  
15 them to violate the Constitution; is there a policy  
16 one way or the other?

17 MR. SIMON: Objection.

## 18 A. Policies --

19 MR. SIMON: Objection to the form --

20 A. -- are designed --

21 MR. SIMON: -- of the question. Go  
22 ahead and answer.

23           A. Policies are signed to prevent people from  
24       acting outside of their scope and outside of what  
25       the law says, the Constitution. And, again, those

1 policies are written by attorneys. They're written  
2 by people with expert knowledge of those things.

3 Q. And you approve those policies?

4 A. I sign off on them, yes.

5 Q. All right. And so you had a policy that  
6 if someone was, for instance, retaliating --

7 A. Uh-huh.

8 Q. -- against Hamilton County Sheriff's  
9 Deputy for something that the Sheriff's Deputy's  
10 wife posted -- if they -- if one of your supervisors  
11 or officers was retaliating against an underling for  
12 that, that would violate your policy?

13 MR. SIMON: Same objection.

14 A. Once again, I do not have the policy in  
15 front of me. I don't know exactly how it reads. I  
16 don't know what circumstance it is you're applying  
17 to, who the supervisor would be, who the employee  
18 would be. So, no, I can't answer that.

19 Q. I'm not asking a specific anyone. I'm  
20 saying you have a policy that your folks in the  
21 Hamilton County Sheriff's Department do not have  
22 authority to violate the First Amendment; is that  
23 fair?

24 A. There's so many nuances. I will point to  
25 anything in the policy that applies to that, and

1       that's how I would answer that question if I had the  
2       policy in front of me.

3           Q.    So you simply can't answer that question  
4       without the policy in front of you?

5           A.    I need the policy in front of me.

6           Q.    All right. Would you ever tell Officer  
7       Davis -- Jason Davis -- when he was an officer with  
8       the Hamilton County Sheriff's Department, would you  
9       ever tell him that his wife can have a hundred  
10      opinions if that's what she wants, but there will be  
11      consequences to Jason Davis if she does?

12                  MR. SIMON: Objection. Let me note  
13                  my objection. This may be a quote from  
14                  the recording. Again, same objection as  
15                  before.

16                  MR. BRUNS: I'm going to object to  
17                  the speaking objections. You can object  
18                  to form and that's it. That's it.

19                  MR. SIMON: Well, I'm objecting --  
20                  I'm repeating an objection I gave earlier  
21                  in the deposition.

22                  MR. BRUNS: And I've told you you  
23                  have a continuing objection. So I'm going  
24                  to -- I object to that characterization.  
25                  But go ahead.

1           A.     So without the recording in front of me or  
2     the transcript of the recording, I can't with  
3     certainty say that's exactly what I said.

4 Q. I'm not asking if -- I said you would  
5 never tell Officer Davis that his wife can have a  
6 hundred opinions if she wants, but there will be  
7 consequences to Jason Davis if she does; you would  
8 never say anything that like, fair?

9 MR. SIMON: Same objection.

10 A. I don't even understand that question.

11 Q. Sure.

12 A. I -- because, again, you're asking me to  
13 answer a question that is hypothetical. I mean,  
14 I -- you know, I just -- I don't understand the  
15 question. My answer to the question is just what I  
16 said, I -- if I had the transcript in front of me of  
17 the recording, then I could perhaps remember what I  
18 said. But to comment on whether I would never,  
19 always, sometimes do things, I don't feel  
20 comfortable saying yes or no to any of that.

21 Q. Did you tell Jason Davis ever that his  
22 wife can have a hundred opinions if she wants,  
23 but -- quote, but there will be consequences,  
24 unquote, to him if she does; did you ever tell him  
25 anything like that ever?

1 MR. SIMON: Same objection.

2 A. I don't recall.

3 Q. Okay. Why would you ever say something  
4 like that to him?

5 A. I don't recall saying it.

6 Q. I understand that. And my question is in  
7 follow up. Why would you ever say anything like  
8 that to him?

9 MR. SIMON: Objection. Lack of  
10 foundation. You're asking the witness to  
11 speculate.

12 Go ahead and try to answer.

13 A. You're asking me to affirm something that  
14 I have no idea if it was said or not said. So,  
15 again, dealing in the what-ifs, the hypotheticals, I  
16 can't answer that.

17 Q. As you sit here today can you think of any  
18 legitimate reason why you as the Sheriff of the  
19 Hamilton County Sheriff's Department would say --  
20 ever say anything like that to Jason Davis; can you  
21 think of any legitimate reason for you to do that?

22 A. I can't even comment --

23 MR. SIMON: Same objection.

24 A. -- because it's hypothetical and I would  
25 have to have factual parameters to comment.

1           Q.     So the answer to my question is no, as you  
2 sit here you can't think of a single legitimate  
3 reason for doing that?

4                   MR. SIMON: Objection.

5                   Argumentative.

6           A.     The answer to your question is you're  
7 asking me to apply my imagination to a situation,  
8 and I simply don't feel comfortable doing that. And  
9 so the answer is I can't answer that question.

10          Q.     Okay. Did you ever tell Jason Davis that  
11 he needed to tell someone in his life he's close to  
12 who doesn't like you, the sheriff, to, quote, get in  
13 line, unquote, because they're hurting his career --

14                   MR. SIMON: Same objection.

15          Q.     -- did you ever say anything like that to  
16 Jason Davis?

17          A.     No memory --

18                   MR. SIMON: Same objection.

19          A.     I have no memory of that.

20          Q.     What legitimate purpose would you ever  
21 have as the Hamilton County Sheriff to say something  
22 like that to Jason Davis?

23          A.     Again --

24                   MR. SIMON: Objection. Lack of  
25 foundation. Calls for speculation.

1           A. Again, I don't know that I said it or  
2 didn't say it. And I'm not going to comment on  
3 something that is someone's imagination. I can't do  
4 that.

5 Q. I'm not asking you to comment on anyone's  
6 imagination. I'm asking you as the sheriff what  
7 reason would you ever have to tell one of your  
8 officers that?

11 MR. BRUNS: And if you refuse to  
12 answer, you can refuse.

13 A. I 'm --

14 MR. SIMON: Hold on a second. She's  
15 not refusing to answer.

16 MR. BRUNS: She is.

17 MR. SIMON: She's telling you that  
18 she can't answer because it's a  
19 hypothetical and doesn't know how to  
20 formulate an answer. That's not a  
21 refusal.

22 Go ahead, Sheriff.

23           A.     So I can't answer, because it's a  
24 hypothetical situation. And I am not comfortable  
25 trying to apply some factual answer to a

1 hypothetical situation that I don't know occurred or  
2 didn't occur.

3 Q. Did you ever tell Jason Davis that such a  
4 person, someone who is close to him who doesn't like  
5 you, has got to go, bye, that's how it is?

6 MR. SIMON: Same objection.

7 A. No idea. Can't remember.

8 Q. Okay. Would you ever allow your chief  
9 deputy to impose consequences against a Hamilton  
10 County Officer for something that the officer's wife  
11 posted on Facebook?

12 A. Again, I don't know that that happened.  
13 And, again, it's a hypothetical. And I cannot  
14 answer that question.

15 Q. Okay. Did you ever in your presence hear  
16 your chief deputy tell Jason Davis that if Jason  
17 Davis's wife was going to, quote, bad mouth us, then  
18 does Officer Davis think, quote, we're going to  
19 promote you.

20 Did you ever hear Chief Gramke say  
21 anything like that?

22 MR. SIMON: Same objection.

23 A. I don't recall.

24 Q. If Chief Gramke said that to Jason Davis,  
25 would you correct Officer -- or Chief Gramke and

1 tell him no, that we don't withhold promotions  
2 because someone's wife says things on Facebook?

3 MR. SIMON: Objection. Lack of  
4 foundation. Calls for speculation.

5 A. I don't know that Chief Jay Gramke said  
6 that. So, again --

7 Q. Assume for purposes of my question he did.

8 MR. SIMON: Well, that's the problem.  
9 But lack of foundation. Calls for  
10 speculation.

11 Q. Assume for purposes of my question that  
12 Chief Gramke said that.

13 A. Assuming is not a factual situation for  
14 me, and I do not feel comfortable assuming things  
15 that I don't know are real.

16 Q. Did you ever hear Chief Gramke say  
17 anything like that to Jason Davis?

18 A. I don't recall.

19 Q. Did you ever hear Chief Gramke say  
20 anything along these lines to Jason Davis, does she  
21 realize her actions are hurting you; did you ever  
22 hear Chief Gramke say anything like that?

23 A. I don't recall.

24 Q. Okay. And if you did hear Chief Gramke  
25 say something like that, would you have corrected

1 him to say no, what your wife posts -- what his wife  
2 posts on Facebook is not going to hurt him at his  
3 career in terms of promotions or assignments?

4 MR. SIMON: Same objection.

5 A. Again, the word if speaks to a  
6 hypothetical, and I don't feel comfortable answering  
7 that.

8 Q. Okay. Did you ever ask Officer Davis if  
9 he understood that his wife was hurting him with her  
10 behavior of posting on Facebook?

11 A. I don't recall.

12 Q. Why would you ever say that to him?

13 A. I don't know that I did or didn't.

14 Q. Assume you did; why would you ever say it?

15 A. Again --

16 MR. SIMON: Same objection.

17 A. Again, hypothetical, I don't feel  
18 comfortable answering that.

19 Q. Because as you sit here today you cannot  
20 think of a legitimate reason, a lawful reason why  
21 you would ever say that; is that fair?

22 MR. SIMON: Objection.

23 A. I don't even understand that question.  
24 It's a hypothetical. As I sit here today I told you  
25 I don't recall.

1 Q. Did you ever hear Chief Gramke tell Jason  
2 Davis, quote, if we promoted you after what your  
3 wife had done and said and what you had done and  
4 said, do you think we'd open the floodgates of hell  
5 to anybody that wants to be critical over this  
6 administration; did you ever hear him say anything  
7 like that?

8 A. I don't recall.

9 Q. Have you ever publicly criticized the  
10 Hamilton County Sheriff's Department at any time in  
11 your career?

12 A. I don't recall.

13 Q. Sheriff, I'm going to hand you what's been  
14 marked as Exhibit 22 -- Plaintiffs' Exhibit 22 --

15 A. Sure.

16 Q. -- and ask -- take a moment --

17 A. Uh-huh.

18 Q. -- to read that.

19 A. Okay.

20 MR. SIMON: I think we're getting  
21 pretty close, aren't we?

22 MR. BRUNS: That's fine. I  
23 probably -- I don't have a whole lot, but,  
24 yeah, we can take a short break.

25 MR. SIMON: Okay.

1 MR. BRUNS: And she can review  
2 that -- no, no, take it with you.

3 MR. SIMON: Take it with us?

4 MR. BRUNS: Yes.

5 MR. SIMON: Okay.

6 THE VIDEOGRAPHER: Off the record,  
7 4:40.

8 (A brief recess was taken.)

9 THE VIDEOGRAPHER: We are back on the  
10 record. This is Media 6 of today's  
11 deposition. The time is 4:48.

12 BY MR. BRUNS:

13 Q. Sheriff, you've had a moment to -- off  
14 camera to review Exhibit 22.

15 A. I have.

16 Q. Had you ever seen that before?

17 A. No.

18 Q. Did Chief Gramke ever speak to you about  
19 this letter?

20 A. No.

21 Q. And obviously he never showed it to you,  
22 fair?

23 A. No, he didn't. Uh-uh.

24 Q. Okay. You understand Jason Davis resigned  
25 from his employment at the Hamilton County Sheriff's

1 Department, correct?

2 A. I do understand that, yes.

3 Q. Did you ever learn that prior to his  
4 resignation he had been looking for another position  
5 in law enforcement?

6 A. No.

7 Q. No one talked to you further about him --

8 A. No.

9 Q. -- is that correct?

10 A. Yeah, that's correct.

11 Q. Okay. When Jason Davis resigned, he gave  
12 two weeks' notice, correct?

13 A. I don't know --

14 Q. You don't have any reason to dispute  
15 that --

16 A. -- because I don't know -- yeah, I  
17 don't -- I don't know the dates, but. . .

18 Q. All right. If he resigned on January 8,  
19 2024, with an effective date of January 22, 2024,  
20 you don't dispute that?

21 A. I don't have any knowledge of it, but I  
22 don't have any reason to dispute it.

23 Q. All right. If he claimed that his  
24 resignation, as he does in the lawsuit, was because  
25 he had been retaliated against for in violation of

1 his First Amendment rights because his promotions  
2 were squashed and denied because of things his wife  
3 had posted, okay, and he was told that -- if that's  
4 his position, I'm saying, all right, which the  
5 complaint makes clear it is, was he simply mistaken  
6 about that; was it just a misunderstanding?

7 A. I do. I do think that -- well, what I can  
8 comment on is this. Jason Davis left the department  
9 prior to that corporal list expiring. And it is my  
10 assertion that had he stayed to see that out, it's  
11 my opinion that there could have been a good outcome  
12 for him on that corporals list.

13 Q. And what do you mean by a good outcome; he  
14 would have been promoted?

15 A. Yeah. Yes.

16 Q. Okay. But clearly his understanding is  
17 reflected in the allegations of the complaint was  
18 that was a dead letter, RENU, the corporal  
19 promotion, both of them got pulled because of posts  
20 that other people had made and one post he made on  
21 Facebook, that there was retaliation for that.

22 And my question to you is -- and you  
23 agree -- that that's just a misunderstanding; he is  
24 wrong about that, fair?

25 A. I think that -- again, I can't speak to

1 what Jason Davis thought, said after he walked out  
2 of that office. What I can speak to is his name  
3 stayed current on that list, and because it was  
4 current on that list there was absolutely an  
5 opportunity for him to be promoted to corporal.

6 Q. Well, you read his exit interview. You  
7 told me that. You reviewed his exit interview?

8 A. It was like three lines.

9 Q. Okay. But you had an understanding that  
10 he was just mistaken about his future with the  
11 department?

12 A. He didn't say that in the exit interview.  
13 The thing I remember from the exit interview is just  
14 that he had recorded the conversation. He made a  
15 remark about -- if I remember correctly -- that how  
16 badly supervised officers were or something like  
17 that. That's what I remember reading.

18 Q. Okay. You were -- Chief Gramke retired  
19 recently, correct?

20 A. Yes, he did. Uh-huh.

21 Q. Okay. And you were a part of his  
22 retirement party?

23 A. I was. Yes, sir.

24 Q. Was that special for you to be there to  
25 watch someone you had worked with for many years in

1       the Hamilton County Sheriff's Department achieve  
2       retirement from the department?

3           A.    I think it's special for all of us, yes.

4           Q.    Okay. And you would agree that a full  
5       career at the Hamilton County Sheriff's Department  
6       has deep meaning?

7           A.    Of course, yes.

8           Q.    All right. And what does it mean to you  
9       to have worked at the Hamilton County Sheriff's  
10      Department your whole life; what does it mean to  
11      you?

12          A.    Well, I always tell people when they reach  
13       retirement, it's -- you know, it's no small effort,  
14       you know. I like to use the example that we've all  
15       -- all of us like to stick around that long, to stay  
16       healthy for retirement, which we can never predict.  
17       We've all put our blood, sweat, and tears into this  
18       business. And we've all experienced things that  
19       were challenging and, you know, sometimes emotional  
20       and so forth, but we soldiered through, and now you  
21       have made it healthy, thank God, to retirement.

22          Q.    Okay. Could you ever put a price on a  
23       full career at the Hamilton County Sheriff's  
24       Department?

25          A.    I don't think in terms of a -- when you

1 say a price, I don't know what that means.

2 Q. Okay. What I mean is that someone hands  
3 you a sum of money and you would forego the career  
4 you've had as a member of the Hamilton County  
5 Sheriff's Department.

6 A. I couldn't put a price on someone's tenure  
7 at the department.

8 Q. And certainly not your career?

9 A. I -- still, again, I don't understand the  
10 question.

11 Q. I just explained it.

12 A. I don't understand the whole notion of  
13 money. That's not what I referred to. It's not  
14 what I think about. It's not what I have knowledge  
15 of regarding how people retire and what their  
16 financial situations are.

17 Q. So to you the value of your career at the  
18 Hamilton County Sheriff's Department has been  
19 priceless; is that fair?

20 A. That's your terminology. I would use a  
21 different one. I think it's been rewarding. I  
22 think it's something that I can remember and that I  
23 have a very heartfelt connection to.

24 Q. All right. And nobody can give you any  
25 sum of money that you would trade for the career

1 you've had at the Hamilton County Sheriff's Office;  
2 is that fair?

3 A. Well, I don't know. Tell me what the sum  
4 of money is.

5 Q. Five million dollars.

6 MR. SIMON: Objection.

7 MR. BRUNS: Well, she asked and I'm  
8 answering.

9 Q. Five million dollars.

10 A. I mean, I might consider that, you know.  
11 I don't know. I might consider that.

12 Q. Okay.

13 A. That's a pretty large sum of money.

14 (Plaintiffs' Deposition Exhibit No.  
15 29 was marked for identification.)

16 Q. All right. I'm going to represent to you  
17 that this was produced in discovery in this case.

18 A. Okay.

19 Q. Yeah. And it was represented to us that  
20 this is the file from the Internal Affairs  
21 investigation --

22 MR. Wiest: Tom, can you identify the  
23 number, please?

24 MR. BRUNS: Yeah. Exhibit 29.

25 Sorry.

1 Q. That this is the file from the Internal  
2 Affairs investigation of you when you were -- when  
3 you were Major Charmaine McGuffey. And we talked  
4 about the incident that Internal Affairs  
5 investigated, right -- the matter they investigated?

6 A. Yes. Yes. This represents that  
7 certainly.

8 Q. Okay. And this was produced as the file  
9 from that investigation --

10 A. Uh-huh.

11 Q. -- and a lot of it was redacted. And my  
12 question to you is, why were things redacted; do you  
13 know?

14 MR. SIMON: Objection. You can  
15 answer.

16 A. It's interesting. That was my same  
17 question when they gave me the first copy of it and  
18 it was redacted. And then, in fact, they gave me  
19 the unredacted copy, so. . .

20 Q. So you've seen both?

21 A. I have the unredacted copy, yes, sir.

22 Q. Yeah. My question to you is, do you know  
23 why the copy that was produced in discovery has all  
24 these redactions; do you know why?

25 A. I believe it was a strategy from the

1 prosecutor's office, if I was going to guess.

2 Q. Okay. You don't know why?

3 A. No.

4 MR. SIMON: Are you talking --

5 A. I mean. . .

6 MR. SIMON: He's asking about -- this

7 was produced in this case.

8 MR. BRUNS: Yes.

9 THE WITNESS: Oh, you mean redacted  
10 for this case?

11 MR. BRUNS: Yeah.

12 THE WITNESS: Oh.

13 Q. Why are all these redactions in here?

14 A. There were redactions throughout. And  
15 these look very similar to what they were to the  
16 original. So I would imagine they gave you the  
17 original redacted copy.

18 Q. Well, no, the original doesn't have  
19 redactions. Redactions are added; you would agree?

20 A. Well, they were added when they handed it  
21 to me the very first time.

22 Q. Right. But you've also -- you just  
23 testified you saw an unredacted version --

24 A. And then I --

25 Q. -- which is the original, right?

1           A. Right. And then I insisted they give me  
2 the original. They at first denied it to me, et  
3 cetera, et cetera. But they gave it to me. And I  
4 would assume what you got is what they would give  
5 out to the public at large, whoever would ask for  
6 this document.

7           Q. I understand. I'm simply asking, do you  
8 know why --

9           A. I'm telling you why --

10          Q. -- these redactions --

11          A. -- because -- well, and then you asked me  
12 why the redactions occurred. And I'm going to  
13 say --

14          Q. If you don't know, you can tell me I don't  
15 know.

16          A. Well, I'm telling you to the best of my  
17 knowledge it had to be a strategy by the  
18 prosecutor's office.

19          Q. Okay. Thank you.

20          A. Because I -- they wouldn't -- they  
21 certainly wouldn't make me privy as to why they did  
22 all the things they did.

23          Q. Okay. Thank you. And then could you go  
24 to page 107 of this document.

25          A. Sure. Yes.

1 Q. And read that page because I'm going to  
2 have some questions for you about it.

3 A. Okay. Go ahead.

4 Q. All right. So at the top of the page, the  
5 first full paragraph, it says, This investigation  
6 clearly shows that Major McGuffey created a hostile  
7 work environment within the Sheriff's Office by  
8 abusing her power as a major. Major McGuffey used  
9 bullying techniques such as belittling, cursing,  
10 yelling, and screaming at employees. Did I read  
11 that correctly?

12 A. Yes. That is what it says.

13 Q. All right. Do you disagree with all of  
14 that, you never did any of that?

15 A. Of course I disagree with that.

16 Q. And you never did any of it; is that  
17 correct?

18 A. No, I did not.

19 Q. Is that correct?

20 A. Yes. That's correct.

21 Q. Okay. And it says, There is evidence that  
22 she used her position to retaliate against  
23 employees, as well as engaged in favoritism. Did I  
24 read that correctly?

25 A. Yes, you did.

1 Q. Do you disagree with that, that's a false  
2 statement, that never happened?

3 A. That is a false statement.

4 Q. All right. And then it says, Through the  
5 course of this investigation, Major McGuffey was  
6 dishonest when answering many questions during the  
7 Internal Affairs interview. Did I read that  
8 correctly?

9 A. You did.

10 Q. Okay. Is that a false statement; none of  
11 that --

12 A. It's a lie.

13 Q. -- is true? It's a lie?

14 A. Yes, sir.

15 Q. And then it says, The allegations of  
16 creating a hostile work environment and dishonesty  
17 are sustained, in bold; do you see that?

18 A. I see that.

19 Q. Okay. Did the Internal Affairs  
20 investigators sustain the findings of hostile work  
21 environment and dishonesty -- to sustain those  
22 findings against you?

23 A. I will give you that they believe what  
24 they wrote here. To have a sustained judgment you  
25 need a hearing. You need due process. And I was

1 not given that.

2 Q. Okay. Do you see the next page, 108,  
3 where it says, I request that this case be closed as  
4 sustained; did you see that?

5 A. Yes, I did. I see it.

6 Q. And is it your understanding that that's  
7 what happened, it was closed as sustained?

8 A. They made the opinion that it was  
9 sustained. That was someone's opinion. I believe  
10 Lieutenant Steve Minnich at the time.

11 Q. Okay. And ultimately the sustained  
12 finding of being dishonest was what allegedly landed  
13 you on the Brady list, correct?

14 A. That is the excuse they used. You're  
15 right. Yes.

16 MR. BRUNS: All right. We'll just  
17 take a quick break and see if there's  
18 more. There might be just a couple. I  
19 apologize.

20 MR. SIMON: Okay.

21 MR. BRUNS: But let's have that  
22 discussion.

23 THE VIDEOGRAPHER: Off the record,  
24 5:02.

25 (A brief recess was taken.)

1 THE VIDEOGRAPHER: We are back on the  
2 record, 5:09.

3 BY MR. BRUNS:

4 Q. Sheriff, we took another break.

5 A. Uh-huh.

6 Q. Just some wrap-up questions. We were  
7 talking about the Internal Affairs investigation  
8 where there was a sustained finding against you in  
9 part for dishonesty. You disagree with the merits  
10 of that.

11 A. Uh-huh.

12 Q. What was the consequence to you as a  
13 result of that sustained finding of dishonesty by  
14 Internal Affairs?

15           A.     I received a constructive firing by  
16     Sheriff Jim Neil.

17 Q. What do you mean by constructive firing;  
18 what happened?

19           A.     Jim Neil called me in on May 5th,  
20     9:00 a.m., 2017, and presented me with this report  
21     that I had never laid eyes on, seen -- ever. He  
22     didn't hand it to me. He just showed it to me. And  
23     he said, If you want to stay with this department,  
24     you can work as an inmate liaison, I think they  
25     called it. And they didn't have any parameters for

1 what that would be, simply I think saying you'll  
2 communicate with inmates and then communicate with  
3 security.

4 Q. Okay.

5 A. So that's what I was told.

6 Q. All right. And you rejected that offer to  
7 stay with the Hamilton County Sheriff's Department?

8 A. I refused that offer, yes.

9 Q. Okay. And then you resigned. And in your  
10 mind you call that a constructive firing; is that  
11 fair?

12 A. I didn't resign.

13 Q. What happened?

14 A. No, sir. I never signed a resignation. I  
15 did not resign. I was fired. Jim Neil gave me  
16 approximately -- he said, Well, I love to hear you  
17 speak and you're scheduled to speak at Xavier, so I  
18 don't want to fire you -- he said, so I don't want  
19 you to do anything until after this date that's on  
20 this flyer advertising you are the presenter,  
21 because I would like to attend. Therefore, I will  
22 give you till June to make a decision.

23 And my decision was the same exact  
24 decision that I just said when I was sitting there  
25 in front of him.

1 Q. Okay. That was nine -- approximately nine  
2 years ago, correct?

3 A. I think that's probably correct.

4 Q. All right. And I could be wrong, but it  
5 sounds like you remember that conversation pretty  
6 clearly, correct?

7 A. Oh, yes, sir, I do.

8 Q. All right.

9 A. Uh-huh.

10 Q. Do you remember that conversation so  
11 clearly because it affected your career?

12 A. I remember it clearly because it  
13 absolutely blind-sided me and I really couldn't  
14 believe what I was hearing. And I certainly  
15 couldn't believe that a report like this would be  
16 created and verified as sustained without any due  
17 process. That's why I remember the conversation.

18 Q. And it obviously -- it affected your  
19 career, correct -- drastically?

20 A. Well, I'm the Sheriff of Hamilton County.

21 Q. At the time it drastically affected your  
22 career, correct?

23 A. I was fired, yes.

24 Q. And that's part of the reason why you  
25 remember those conversations so clearly, fair?

1           A. Well, I would say anybody that's fired  
2 remembers the conversation.

3           Q. All right. You filed a lawsuit over that,  
4 correct?

5           A. I certainly did.

6           Q. All right. And you filed a lawsuit for  
7 retaliation, correct?

8           A. I'm trying to think if that was one of my  
9 points. Yes, it -- yes. I -- we had three -- three  
10 points that Judge Dlott ruled on. And I'd have to  
11 actually look at them to know, but I believe it was  
12 -- it was surrounding discrimination.

13          Q. Okay.

14          A. Not retaliation.

15          Q. One of the claims was for retaliation,  
16 correct?

17          A. I don't know that, sir.

18          Q. Regardless, when you filed that lawsuit  
19 eventually, did you make a demand on the County to  
20 settle -- asked them for something to settle?

21          A. They approached --

22                   MR. SIMON: Objection to this line of  
23 questioning.

24                   MR. BRUNS: Go ahead. You can  
25 object. I'm going to ask.

1 MR. SIMON: All right.

2 A. So we --

3 MR. SIMON: Just continuing objection  
4 so I don't have to keep saying it.

5 MR. BRUNS: Sure.

6 MR. SIMON: Thank you.

7 A. We won summary judgment on each point that  
8 we -- that we made allegations regarding. The -- to  
9 my knowledge, the prosecutor's office approached us.

10 Q. Okay. And did you make a demand; did you  
11 tell them what it would take to settle?

12 A. My attorneys negotiated with them and then  
13 talked to me. And through those conversations we  
14 eventually landed on a number.

15 Q. Okay. What did you want to settle? I  
16 don't -- I'm not talking about what you told your  
17 attorneys. I just want to know what you wanted to  
18 settle with the County.

19 A. What I wanted?

20 Q. Yes.

21 A. I wanted to be exonerated.

22 Q. Okay.

23 A. That's what I wanted. 100 percent  
24 exonerated.

25 Q. All right. And you wanted money as well,

1 correct?

2 A. Well, I agreed to take money and I  
3 certainly think I was owed money, so yes. But if  
4 you're asking me what I -- my main thing that I  
5 absolutely wanted was to be exonerated.

6 Q. That wasn't my question. My question was,  
7 you wanted money, correct?

8 A. Well, yes. If you ask it in the simplest  
9 of terms --

10 Q. I am.

11 A. -- sure, I wanted to be compensated for --  
12 for having been fired unjustly.

13 Q. All right. And how much money did you  
14 want?

15 A. I don't remember. I couldn't even tell  
16 you what the settlement was for now honestly.

17 Q. Okay. All right. You were then sued as  
18 Sheriff by Mark Schoonover; is that correct?

19 A. Yes, I was.

20 Q. All right. And that suit -- the case  
21 number we have is 1:22-cv-6- -- or 767 filed in the  
22 Southern District of Ohio. Do you recall that you  
23 were sued in 2022?

24 A. Yes, I do.

25 Q. All right.

1 A. Uh-huh.

2 Q. And that case involves claims of First  
3 Amendment retaliation, correct?

4 A. My knowledge was that he said he was  
5 discriminated against because he was an older white  
6 man.

7 Q. If that lawsuit specifically includes  
8 claims of First Amendment retaliation, you don't  
9 dispute that?

10 A. I have no idea what you're talking about  
11 there, sir. I can tell you what I was told about  
12 the lawsuit was that he was --

13 MR. SIMON: Hold on one second.

14 MR. BRUNS: I'm not asking what any  
15 attorney told you.

16 MR. SIMON: Yeah. But she just said  
17 what I was told about it. And I -- if  
18 she's about to say what her -- what the  
19 attorneys told her, then I don't want her  
20 to answer that question.

21 THE WITNESS: Thank you.

22 A. So what I knew is that he was suing  
23 because he was discriminated against because he was  
24 an older white male.

25 Q. Okay.

1 A. That's what I knew.

2 Q. Did you read that lawsuit when you  
3 received it?

4 A. I don't recall reading it. I may have  
5 read it. I really don't recall.

6 Q. All right. You agree that lawsuit was  
7 pending -- it was an existing lawsuit as of  
8 October 10, 2023, correct?

9 A. I don't have any real knowledge of it, but  
10 I'll -- I think it's still pending.

11 Q. Yeah. Once it got filed, it's never been  
12 dismissed, it's still existing --

13 A. Okay. So --

14 Q. -- fair?

15 A. -- yeah. So I would agree with that. I  
16 don't -- nobody has told me otherwise.

17 Q. All right. Once you got sued in 2022 did  
18 you do anything to educate yourself on the legal  
19 claims that were made against you?

20 A. By Mark Schoonover?

21 Q. Those legal claims in that lawsuit by Mark  
22 Schoonover --

23 A. Uh-huh.

24 Q. -- did you do anything to educate yourself  
25 on the law?

1 A. No.

2 MR. SIMON: I'm just going to object.

3 I don't want you to answer anything that  
4 involves attorney-client communication.

5 MR. BRUNS: She answered it, so. . .

6 Q. If there's a public record that you  
7 settled with the County for \$475,000, does that  
8 refresh your recollection?

9 A. It sounds about right.

10 MR. BRUNS: Okay. That's all.

11 THE WITNESS: Okay.

12 MR. SIMON: We have no questions. We  
13 will not waive signature.

14 THE VIDEOGRAPHER: We are off the  
15 record. The time is 5:18.

16 (Witness excused.)

17 (Deposition concluded at 5:18 p.m.)

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1 A C K N O W L E D G E M E N T

2

3 STATE OF \_\_\_\_\_ :

4 COUNTY OF \_\_\_\_\_ :

5

6 I, CHARMAINE McGUFFEY, have read the  
7 transcript of my testimony given under oath on May  
8 5, 2025.

9 Having had the opportunity to note any  
10 necessary corrections of my testimony on the errata  
11 page, I hereby certify that the above-mentioned  
12 transcript is a true and complete record of my  
13 testimony.

14

15

16

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17 CHARMAINE McGUFFEY

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1 REPORTER'S CERTIFICATE

2 I, Kristina L. Laker, Court Reporter and  
3 Notary Public, do hereby certify:

4 That the witness named in the deposition,  
5 prior to being examined, was duly sworn;

6 That said deposition was taken before me  
7 at the time and place therein set forth and was  
8 taken down by me in shorthand and thereafter  
9 transcribed into typewriting under my direction and  
10 supervision;

11 That said deposition is a true record of  
12 the testimony given by the witness and of all  
13 objections made at the time of the examination.

14 I further certify that I am neither  
15 counsel for nor related to any party to said action,  
16 nor in any way interested in the outcome thereof.

17 IN WITNESS WHEREOF I have subscribed my  
18 name and affixed my seal this 20th day of May, 2025.

19  
20 /s/ Kristina L. Laker

21 \_\_\_\_\_  
22 Kristina L. Laker  
23 Notary ID 592345  
24 My Commission expires: 12/21/25  
25